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ABSTRACT

This report was prepared for submission to the U.S. Commission on Civil Rights. It reviews the California State Department of Education's administration of state and federally funded bilingual programs and identifies specific Department policies and practices that may affect the success of district-level programs for language-minority students. Following introductory and background material on the Advisory Committee, populations, programs and legislation, the bulk of the report deals with the following: (1) the California State Department of Education's monitoring responsibilities; (2) recent developments in the Department of Education; (3) impact of the legislature; (4) findings and conclusions; and (5) recommendations. The basic finding is that the Department of Education has failed to ensure that California's non- and limited-English-speaking students receive equal educational opportunities. The report offers 20 recommendations dealing with a survey of the population in question, services for the state's language-minority students, Department coordination and personnel, bilingual project onsite reviews, enforcement, and legislative review of the Department's administration. Three appendices provide relevant population and program data. (CFM)

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STATE ADMINISTRATION OF BILINGUAL EDUCATION — ¿SI O NO?

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A report of the California Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the California Advisory Committee.

June 1976

STATE ADMINISTRATION OF BILINGUAL EDUCATION--¿SI O NO?

--A report prepared by the California Advisory Committee to the U.S. Commission on Civil Rights

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The findings and recommendations contained in this report are those of the California Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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TO THE U.S. COMMISSION
ON CIVIL RIGHTS
June 1976

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Sirs and Madam:

The California Advisory Committee submits this report of its study of the monitoring of bilingual programs by the State department of education as part of its responsibility to advise the Commission on civil rights issues within this State.

The Advisory Committee has been aware of and has shared the Commission's concern about equal educational opportunities. Since 1968 the California Advisory Committee has focused efforts on the educational concerns of minorities in the State. The result of this emphasis has been three reports strongly recommending increased involvement of Federal and State agencies with local school districts. Despite these efforts, the Advisory Committee has continued to receive complaints concerning unequal opportunities for language-minority students from communities in the State.

Because of the Commission's and the Advisory Committee's history of concern about education in California, the Advisory Committee decided to study the effectiveness of the State department of education in ensuring statewide compliance with State and Federal laws and regulations affecting language-minority children.

The Advisory Committee held an open meeting June 26 and 27, 1975, in Sacramento to collect public testimony on State and Federal monitoring of programs for language-minority children. This report is the result of that activity.

A 1975 survey by the California State Department of Education identified approximately 233,000 public school students as non- or limited-English-speaking. The State department of education also identified 11 State and Federal programs funded at more than $36 million for possible use in assisting language-minority students. The Advisory Committee's concern addressed whether this funding was, in fact, reaching language-minority students.

The basic finding of this report is that the State department of education has failed to ensure that California's non- and limited-English speaking student population receives equal educational opportunities.

The Advisory Committee is making recommendations to the State legislature and the State department of education to rectify this educational situation. We urge the Commission to support our recommendations.

Respectfully,

/s/

HERMAN SILLAS, JR.
Chairperson

ACKNOWLEDGMENTS

The Advisory Committee wishes to thank the staff of the Commission's Western Regional Office, Los Angeles, Calif., for its help in the preparation of this report. This report was written by Ramona L. Godoy. Editing and review assistance was provided by Thomas V. Pilla and Sally E. James, with support from Grace Diaz. Western Regional Office staff worked under the supervision of Philip Montez, Regional Director, and Joseph T. Brooks, Deputy Director.

A legal review was provided by the Office of General Counsel, Washington, D. C. Final preparation for publication of this report was the responsibility of Deborah A. Harrison, Vivian M. Hauser, and Audree B. Holton supervised by Bobby Wortman, in the Commission's Publications Support Center, Office of Management.

Preparation of all State Advisory Committee reports is supervised by Isaiah T. Creswell, Jr., Assistant Staff Director for Field Operations.

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I. INTRODUCTION

The United States Commission on Civil Rights has been concerned about equal educational opportunities for language-minority students for some time.[1] In 1969 the Commission initiated a Mexican American education study. A major finding of this 5-year study was the failure of State and Federal education agencies to meet the needs of non-English-speaking children. Several recommendations of the study called for increased monitoring of local school programs by State departments of education and the U.S. Department of Health, Education, and Welfare, Office for Civil Rights (DHEW/OCR).

Another Commission report, entitled The Federal Civil Rights Enforcement Effort--1974: To Ensure Equal Educational Opportunity, cited the need for DHEW/OCR to strengthen its data collection system and enforcement authority so that language-minority children could secure equal educational opportunities. The report also emphasized the growing importance of State educational agencies which receive and administer billions of dollars in Federal funds each year. The Commission maintained that State agencies are a significant resource for ensuring compliance with equal educational opportunity requirements since school districts rely heavily on these agencies for funds and policy guidance. The Commission strongly recommended that the Federal Government compel State education agencies to actively enforce compliance.

The Commission's report, A Better Chance to Learn: Bilingual-Bicultural Education (released in 1975) contended that language-minority children have difficulty succeeding in English monolingual schools. After examining the two major instructional approaches to assist these students--English as a Second Language (ESL) and bilingual-bicultural education--the Commission concluded that bilingual-bicultural education is a more effective method for teaching many language-minority students who experience language difficulty in school.[2] Regardless of the language program utilized by a district, the report recommended periodic evaluations of programs and student progress.[3]

1

In addition to the Commission's nationwide studies of educational opportunities for language-minority students, the California Advisory Committee to the U.S. Commission on Civil Rights has also studied this issue. In April 1968 it issued a report on educational concerns of Mexican Americans in Los Angeles County, Education and the Mexican American Community in Los Angeles County. This report included a recommendation that DHEW monitor educational programs for language-minority-group students.

In 1972 the Advisory Committee conducted field investigations and open meetings on educational practices which related to language-minority students in Santa Maria, Guadalupe, and Pismo Beach, California. Findings and recommendations were published in two reports: The Schools of Guadalupe...A Legacy of Educational Oppression (1973) and Educational Neglect of Mexican American Students in Lucia Mar Unified School District (1973). In both reports the State Advisory Committee strongly recommended increased involvement of Federal and State agencies with local school districts.

In 1973 the California Advisory Committee held open meetings in San Francisco and Los Angeles to collect information on the concerns of Asian and Pacific Americans. In San Francisco five communities participated: Chinese, Japanese, Korean, Pilipino, and Samoan. In Los Angeles, the Guamanian community was added to the original five groups. In discussing educational concerns, representatives from these communities called for English as a Second Language and bilingual programs in the public schools, bilingual staff, and the development of curriculum to reflect cultural diversity.

The State Advisory Committee conducted an investigation and an open meeting on the Salinas Union High School District in Salinas, California, in April 1975. One issue of the study was the district's bilingual-bicultural education program.

In addition to these activities, Commission staff and California Advisory Committee members have investigated (since 1973) complaints of unequal educational opportunities for language-minority students in Anaheim, Los Angeles,

Madera, San Diego, San Francisco, Santa Ana, and Santa Maria, California. The Advisory Committee has continued to receive complaints concerning unequal opportunities for language-minority students from other communities in the State. A number of these complaints allege inadequate monitoring by the State department of education and DHEW/OCR.

Because of the Commission's and the Advisory Committee's history of concern about this issue in California, the Advisory Committee decided to study the effectiveness of these two agencies in ensuring statewide compliance with State and Federal laws and regulations affecting language-minority children. Since two instructional approaches--ESL and bilingual-bicultural education--were cited by the Commission as the primary methods for helping language-minority students obtain equal educational opportunities, the Advisory Committee further focused its study on California State and Federal monitoring of these two programs.

Commission staff began field investigations in the spring of 1975 and continued data collection until January 1976. Staff interviewed more than 60 persons, including parents, students, community leaders, members of the State assembly, Federal administrators, staff of the California State departments of education and finance, State health and welfare agency administrators, legislative committee staff, California State Board of Education members, office of the legislative analyst staff, Governor's office staff, local educational agencies personnel, media persons, and other concerned individuals throughout the State.

The California Advisory Committee held an open meeting June 26 and 27, 1975, in Sacramento, California, to collect public testimony on State and Federal monitoring of programs for language-minority children. This report contains findings about the State department of education based on the field investigation and open meeting.

A primary objective of this report is to inform educators, parents, government officials, and community leaders of the effects certain State policies and practices have on programs for language-minority children in

California. An informed public can better work toward monitoring State action.

NOTES TO CHAPTER I

1. Language minority as defined in a Commission report refers to "...persons in the U.S. who speak a non-English native language and who belong to an identifiable minority group of generally low socio-economic status. Such language minority groups--including Mexican American, Puerto Rican, Native American and Asian American--have been subject to discrimination and limited opportunity. The emphasis given attainment of an education places them at a further disadvantage, since the public school does not appear to have met the needs of the language minority groups." U.S., Commission on Civil Rights, A Better Chance to Learn: Bilingual -Bicultural Education (1975), p. 1 (hereafter cited as A Better Chance to Learn).

2. In the report A Better Chance to Learn, the two most widely used methods for instructing language-minority children are defined in detail: "Bilingual bicultural is a comprehensive educational approach which involves more than just imparting English skills. Children are taught all cognitive areas, first in their native language. Oral expression and reading are developed in native language arts courses and English is taught formally in English as a Second Language classes. Once the children have learned to speak English, they are taught to read it. Instruction in areas which do not require extensive use of language such as art, music, and physical education may be provided in English for informal language practice and exposure. Instruction through English in cognitive areas begins when the child can function in that language and experience no academic handicap due to insufficient knowledge of the language. Some instruction in the native language may continue even after the child is competent in English. A major aspect of bilingual bicultural education is inclusion in the curriculum of the child's historical, literary and cultural traditions for purposes of strengthening identity and sense of belonging and for making the instructional program easier to grasp." (p. 29)

"English as a Second Language--a term used to describe a course designed to teach English skills; it is also a

component of all bilingual bicultural programs. The term, 'English as a Second Language approach' is used to indicate the use of English as a Second Language instruction within a monolingual English curriculum. The methodology used for both can be identical, but the content of instruction will differ depending on the amount and type of English learning which takes place outside the English as a Second Language class. In a typical English as a Second Language program, children receive all subject area instruction in English but are 'pulled out' of class for special English language skills training. Instruction time ranges anywhere from several hours a week to an hour a day, depending on the needs of the students and available school resources." (p. 22)

3. The California State Department of Education noted: "The report asserts that the U.S. Civil Rights Commission concluded that bilingual bicultural education is a more effective method for teaching many minority students who experience language difficulty in school. However, there is no research or literature that supports this position. The State Department of Education, therefore, defines the problem in terms of meeting the needs of limited and non English speaking students as we did in our policy statement." A draft of the Advisory Committee's report was submitted to the department of education in December 1975 for its review and comments. The department's comments were received by the California Advisory Committee on Jan. 6, 1976. State of California, Department of Education, Comments on the California Advisory Committee Report (Dec. 5, 1975, draft).

The problems have been detailed and the statistical evidence presented on the harmful effects that the lack of bilingual and bicultural education has on an entire people. It is time State and Federal agencies took responsibility to eliminate these harmful effects.

The Honorable Mario Obledo
Secretary of Health and Welfare
State of California, 1975

II. BACKGROUND

LANGUAGE-MINORITY RIGHTS

Education has become an essential prerequisite for individual advancement and survival in today's complex society. Equal educational opportunities, however, have eluded large numbers of minorities in this country. A recent U.S. Supreme Court decision highlighted this fact. In January 1974 the U.S. Supreme Court held in Lau v. Nichols[1] that the failure of a local school system to provide instruction to non-English-speaking students denies those students opportunities to participate in public education programs and thus violates Title VI of the Civil Rights Act of 1964.[2]

The Court stated further that DHEW guidelines for compliance with the Civil Rights Act as it relates to language-minority students were made specific in 1970. These guidelines provided:

> Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to

rectify the language deficiency in order to open its instructional program to these students.[3]

In 1975 the Secretary of the Department of Health, Education, and Welfare established a task force to outline appropriate "affirmative steps" as called for in the 1970 regulations.[4] The task force concluded that:

> A program designed for students of limited English speaking ability must not be operated in a manner so as to solely satisfy a set of objectives divorced or isolated from those educational objectives established for students in the regular school program.[5]

While acknowledging various instructional methods, the task force explicity stated that an ESL program for non- and limited-English-speaking children at the elementary school level was not sufficient to meet the minimal requirements of the Lau decision. Something more had to be provided for the education of language-minority students.[6]

Also after the Lau decision, Congress passed the Equal Educational Opportunities Act in 1974.[7] This act stated:

> No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by...the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.[8]

This Federal statute is applicable to all school districts and State educational agencies regardless of their funding sources.

California's history lends further significance to the educational rights of language-minority students. Assemblyman Peter Chacon told the Advisory Committee:

> The necessity for, if not the right to, bilingual bicultural education in this State inheres in the

nature of historical and cultural realities of which present day California is a product. The Spanish in California predated Anglo Americans by almost 200 years.

For over 100 years [after California became a State in 1849], non-English language groups, noticeably Chinese and Mexicans were recruited in large numbers to supply the labor necessary for the economic development of the State.

For us, as Americans and Californians, to deny an obligation to meaningfully educate the descendants of those who predated us, of those who worked in our fields and our mines and laid our railroad tracks, would be a monstrous and cynical act of hypocrisy.[9]

POPULATIONS AND PROGRAMS

More than 30 percent of California's 4.4 million students in grades K-12[10] were members of racial and ethnic minorities during the 1973-74 school year, according to survey results published in the fall of 1974 by the California State Department of Education's bureau of intergroup relations. The Spanish-surnamed population was 765,419 or 17.2 percent of the total student population. Black students were 432,418 or 9.7 percent of the total student population, Asian Americans were 133,430 or 3 percent, and Native Americans were 22,316 or 0.5 percent.[11]

In accordance with a State law enacted in 1972, local school districts conducted surveys during the 1973-74 school year on the numbers of non- or limited-English-speaking students in grades K-12.[12] A sample survey instrument, prepared by the State department of education's bilingual bicultural task force, was mailed to each school district as a recommended method for identifying language-minority students. Each district conducted and compiled its own survey. That survey identified approximately 225,000 students as non- or limited-English-speaking.[13]

During the fall of the 1974-75 school year, the California Office of the Legislative Analyst undertook a

review of the department's administration of bilingual programs. This was the first time in the State's history of bilingual education that such a thorough review of bilingual programs had been conducted. Published in late 1974, the analyst's report stated that the department had identified 11 State and Federal programs with approximately $36,320,046 in funds for possible use in assisting language-minority students.[14] The department used the term program to refer to each funding source. Table I shows the resources the department reported as available to assist language-minority students.

Table I

State and Federal Programs Related to Limited-English and Non-English Speaking Children

	1974-75			1975-76		
	Estimated Expenditures	Estimated Number of Students Participating	Estimated Number of Limited-English Speaking Served	Proposed Expenditures	Estimated Number of Students Participating	Estimated Number of Limited-English Speaking Served
State:						
Bilingual Education Act of 1972 Chapter 1258/1972 (AB 2284).....	$4,000,000	20,216[a]	8,983[a]	$4,304,538	20,216[a]	8,983[a]
Bilingual Pilot Programs Chapter 1521/1971 (AB 116).....	133,968	300	210	Terminated	--	--
Bilingual Teacher Corps Chapter 1496/1974 (AB 2817).....	100,000	Planning Only	--700,000	--	--	--
Miller-Unruh Bilingual Chapter 841/1972 (AB 612).....	243,000	Not Available	Not Available	243,000	Not Available	Not Available
Educationally Disadvantaged Youth Chapter 1406/1972 (SB 90).....	Not Available[b]	Not Available[b]	Not Available[b]	Not Available[b]	Not Available[b]	Not Available[b]
Early Childhood Education Chapter 1147/1972 (SB 1302).....	Not Available	Not Available	Not Available	Not Available	Not Available	Not Available
Federal:						
Bilingual Education Act--Title VII Elementary and Secondary Education Act (ESEA).....	$13,800,000[c]	25,000	12,500	13,800,000[cd]	25,000[d]	12,500[d]
Migrant Education--Title I, ESEA...	9,832,415	45,000[a]	22,500[a]	9,832,415[d]	45,000[d]	22,500[d]
Educationally Disadvantaged-- Title I, ESEA.....	Not Available[b]	Not Available[b]	Not Available[b]	Not Available[b]	Not Available[b]	Not Available[b]
Emergency School Aid Act (ESAA)....	1,468,063	Not Available	Not Available	1,468,063[d]	Not Available	Not Available
Combined:						
English as a Second Language-- Title I, ESEA/EDY (SB 90).....	6,742,600[a]	33,713[a]	33,713[a]	6,742,600[a]	33,713[a]	33,713[a]
TOTAL.....	$36,320,046	124,229	77,906	$37,090,616	123,929	77,696

[a] Based on 1973-74 fiscal year.

[b] The department provided a combined figure for Title I and SB 90 ESL programs. The department had no available data relating to other bilingual programs funded under these acts.

[c] Department anticipates receiving approximately $3 million in additional Title VII funds in 1974-75.

[d] Based on 1974-75 fiscal year.

Source: State of California, Office of the Legislative Analyst, Report of the Legislative Analyst to the Joint Legislative Budget Committee, Analysis of the Budget Bill of State of California for the Fiscal Year July 1, 1975 to June 30, 1976 (Sacramento, 1975).

For several of the major programs (educationally disadvantaged youth, early childhood education, Miller-Unruh bilingual, and the Emergency School Aid Act), the department had no data on student enrollments. Of the remaining programs, the department identified a student enrollment of 124,299; 77,906 of these were non- or limited-English-speaking. Forty-three percent or 33,713 of the non- or limited-English-speaking students were enrolled in English as a Second Language programs. The department could not identify the kinds of instructional programs available to language-minority students from each of these resources, or whether these programs were full- or part-time courses.

It should be noted that these department figures compiled in late 1974 may have been inflated, since students may participate in more than 1 of the 11 programs simultaneously and may be counted for each program. Also, the figures do not indicate the extent to which a limited- or non-English-speaking child actually participated in a program. Some programs entailed only a few hours of bilingual instruction each week, but there was no indication which programs were full time and which were only part time. Even assuming that the figures were not inflated or that all the programs were full time, the 77,906 non- or limited-English-speaking students enrolled in these programs represented less than half of the 225,000 students the department identified as needing such assistance.

According to the analyst's report, few of the 11 programs funded were bilingual projects.[15] The report identified only three programs as specifically bilingual: State bilingual pilot programs, State bilingual education act, and Federal Title VII of the Elementary and Secondary Education Act. If, as cited in the analyst's report, bilingual projects are primarily funded by these three programs, only 21,693 students or less than 10 percent of the 225,000 non- or limited-English-speaking students received bilingual education in school year 1974-75.[16] The cost in 1974-75 for these three programs was $17,933,968--$13,800,000 of which came from Federal funds.

Because of the apparent inadequacies of the 1974 data, the legislature requested that the department conduct a second survey during the same school year 1974-75 to obtain

an unduplicated count of non- and limited-English-speaking students and identify how many of these students were receiving bilingual education. The department conducted this survey in the spring of 1975. The results, published in November 1975, were prefaced by a statement explaining that the survey of State and Federal programs was a one-time special study initiated at the request of the legislature to identify the numbers of non- and limited-English-speaking students participating in the various bilingual services programs.[17] The survey identified 233,520 non- and limited-English-speaking students in grades K-12, 62,851 of which were "served in bilingual programs." (See Appendices A and B.) This total is an increase of 18,658 students from the previous figure of 44,193 obtained during the same school year, 1974-75.

Several comments on the second survey should be noted. One, the data raise the possibility that students were counted more than once, although the survey was to provide unduplicated numbers. In the April 1975 survey, 42,922 students were recorded as receiving "English as a Second Language, Title I, SB 90, ECE, etc." Yet in another table of the same survey, a nearly identical number of students, 41,868, was reportedly served by "bilingual components of any individual or combined categorical programs -- local, Title I, SB 90, ECE, etc." The survey report's preface conceded that local officials "had considerable difficulty in making the distinctions about language proficiencies and the allocation of program funds based on such distinctions...."[18](See Appendices B and C).

It should also be noted that data for student participation in the Emergency School Aid Act (ESAA) were not available in the 1974 report. The second report in 1975, however, identified 3,291 non- and limited-English-speaking students as receiving bilingual education from that program. If this number of students is combined with the number of students in the three programs identified as bilingual in the previous survey--Federal Title VII, ESEA, the State bilingual education act, and the State bilingual pilot program--the second report indicated that 20,983 non- and limited-English-speaking students were served by bilingual programs. Even including the 3,291 ESEA participants, the 1975 survey found that bilingual programs

served 700 fewer students than was reported in the fall of 1974. This total is less than 9 percent of the 233,520 non- and limited-English-speaking students, a smaller percentage than was identified as receiving such assistance in the first survey.

Finally, and of significance, the second survey taken in 1975 indicates that the average per pupil expenditure for providing English as a Second Language instruction was $352, while the average per pupil cost of providing bilingual education instruction was $331.

These statistics reinforce the statement of Ray Gonzales, director of the office of educational liaison, State health and welfare agency, that "...this State is far behind where it should be in response to the needs of its bilingual people."

State and Federal Legislation

As of 1959, California State law provided that, "All schools shall be taught in the English language." It was not until 1967 that the law was amended to allow for instruction in a language other than English.[19]

More recently, the California Legislature began to recognize the need for programs to assist limited- and non-English-speaking students. In 1971 the Bilingual Pilot Program (AB 116) was passed.[20] The following year, the legislature enacted the Bilingual Education Act of 1972 (AB 2284), a more expansive bilingual program.[21] Next came the Bilingual Cross-Cultural Teacher Preparation and Training Act of 1973 (SB 1335)[22] and the Bilingual Teacher Corps Program enacted in 1974 (AB 2817).[23] Other programs enacted during this time, such as the Early Childhood Education Act of 1972,[24] the Educationally Disadvantaged Youth Program of 1972,[25] and the Miller-Unruh Basic Reading Act of 1965,[26] although not primarily for bilingual-bicultural education, can be utilized to assist limited- and non-English-speaking children. Participation by the school districts in any of these programs is on a voluntary basis.

With the exception of the Bilingual Cross-Cultural Act, which is primarily administered by California's Commission

for Teacher Preparation and Licensing, the legislature directed the State board of education and the State department of education to administer these programs. Generally, the State board of education functions as the policymaking entity, approving rules and regulations for these programs.[27] The legislature charged the department, on the other hand, with monitoring local program activities to ensure compliance with State laws and board regulations. Thus, responsibility for compiling surveys, reviews, and evaluations of programs mandated by the legislature is generally conferred upon the State department of education by statute.[28]

The Federal Government also established educational programs to assist non- and limited-English-speaking children. In 1965 Congress passed the Elementary and Secondary Education Act (ESEA).[29] Title I of the ESEA is directed at educationally deprived children. This title, as amended in 1974, provides funds which may be used for the hiring of bilingual aides. Title VII of ESEA funds bilingual education programs throughout the country.

NOTES TO CHAPTER II

1. 414 U.S. 563 (1974).

2. The Court's decision relied on Section 601 of the Civil Rights Act of 1964, which bans discrimination based "...on the ground of race, color, or national origin [in]...any program or activity receiving Federal financial assistance." 42 U.S.C. §2000d (1970).

3. 35 Fed. Reg. 11595 (1970).

4. U.S., Department of Health, Education, and Welfare, Office of the Secretary, "Evaluation of Voluntary Compliance Plans Designed to Eliminate Educational Practices Which Deny Non-English Language Dominant Students Equal Educational Opportunity" (Undated memorandum).

5. U.S., Department of Health, Education, and Welfare, Office of the Secretary, "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful Under Lau v. Nichols" (Mimeograph, Summer 1975), p. 5.

6. Ibid., p. 7.

7. 20 U.S.C. §1701 et seq. (Supp. IV, 1974).

8. 20 U.S.C. §1703 (Supp. IV, 1974).

9. Unless otherwise noted, all direct quotations are derived from the transcripts of the California Advisory Committee to the U.S. Commission on Civil Rights open meeting in Sacramento, June 26 and 27, 1975.

10. K-12 refers to grades kindergarten through high school.

11. California State Department of Education, "Racial and Ethnic Distribution of Pupils and Staff in California Public Schools, Fall 1973" (Mimeograph, Nov. 29, 1974). The original count survey was conducted on June 1, 1973. The U.S. Commission on Civil Rights uses the terms Spanish-speaking background rather than Spanish surnamed, and Asian

and Pacific Americans rather than Asian Americans. The department survey results did not indicate whether Pacific Americans were included within the Asian American tabulations.

12. Cal. Educ. Code §5761.3 (West 1975).

13. The actual number tabulated by the State department of education was 202,000. According to Mary Burdette, legislative coordinator, office of governmental affairs, State department of education, the department increased this number to 225,000 to allow for undercounts. Staff interview with Mary Burdette, June 24, 1975.

14. State of California, Office of the Legislative Analyst, Report of the Legislative Analyst to the Joint Legislative Budget Committee, Analysis of the Budget Bill of the State of California for the Fiscal Year, July 1, 1975 to June 30, 1976 (Sacramento, 1975), p. 635.

15. Nowhere in the analyst's report are bilingual programs defined nor has the department clearly defined the distinction between a bilingual program and a bilingual-bicultural program.

16. The bilingual pilot program with $133,968 for fiscal year 1974-75 was due to terminate at the end of that fiscal year.

17. State of California, State Department of Education, "Limited English Speaking and Non English Speaking Students in California" (Mimeograph, Sacramento, 1975).

18. Ibid.

19. Cal. Educ. Code §71 (West 1975), amending Cal. Educ. Code §71, (West 1957).

20. Ch. 1521, Statutes of 1971, California Legislature, Regular Session.

21. Cal. Educ. Code §§5761 et seq. (West 1975).

22. Cal. Educ. Code §§5768 et seq. (West 1975).

23. Cal. Educ. Code §§5766 et seq. (West 1975).

24. Cal. Educ. Code §§6445 et seq. (West 1975).

25. Cal. Educ. Code §§6499.230 et seq. (West 1975).

26. Cal. Educ. Code §§5770 et seq. (West 1975).

27. Cal. Educ. Code §§151, 152 (West 1975).

28. 41 Ops. Cal. Atty. Gen. 105.

29. 20 U.S.C. §§241 et seq. (1970).

III. THE CALIFORNIA STATE DEPARTMENT OF EDUCATION MONITORING RESPONSIBILITIES

The California State Department of Education responsibilities for monitoring compliance with the statutory requirements of State and Federal programs are divided among several department units. To understand the roles and interrelationships of these units, a brief review of the department structure will precede a description of each unit's responsibilities.

DEPARTMENT STRUCTURE

In 1974 the department of education underwent a second reorganization in as many years. The new structure placed the deputy of programs in charge of an educational program matrix.[1]

Under the matrix, department programs administered by the department are divided into three age span groups: elementary--preschool through grade six; secondary education--7th grade through 12th; and adult education. The age span divisions are intercepted by five support programs: general or basic education, special education, vocational education, compensatory education (education for disadvantaged students), and child development. The age span programs are designed to meet the individual needs of all students, while the support programs are intended to meet special education needs.[2] (See figure I.)

FIGURE I

Education Program Matrix

Support Activity Unit	Program: Elementary Education	Secondary Education	Adult Education
General Education			
Special Education			
Vocational Education			
Compensatory Education			
Child Development			
	Elementary Education	Secondary Education	Adult Education

Source: State of California, Department of Education, Organization of the California State Department of Education (Sacramento, 1974).

The matrix is managed by a team composed of the deputy superintendent of educational programs, the five support unit managers, and the three age span managers. Weekly team meetings are held to discuss department programs in an effort to avoid duplication of services between the age span divisions and the support units.[3]

Within this matrix, several subunits monitor, evaluate, or provide technical assistance to bilingual bicultural or related programs. These include: the early childhood education management unit; the program review and improvement unit; the regional service teams; the office for program evaluation and research; the bureau of intergroup relations; and the consolidated application, entitlements, and reports unit.[4]

Although these units have similar responsibilities, no department manuals specify the exact responsibilities of each one. Other than the general matrix structure, which does not mention these subunits, the department could not provide Commission staff with an internal organization chart or guidelines delineating each unit's responsibilities and interrelationships.[5]

After reviewing the department structure in 1974, the office of the legislative analyst reported that the matrix system had been unsuccessful both in coordinating department efforts and in assuring compliance with legislative mandates for programs serving limited- and non-English-speaking children. The analyst's report stated that bilingual education responsibilities were fragmented and that several department units administered the program without any central control.[6]

BILINGUAL BICULTURAL TASK FORCE

The State superintendent of public instruction, Dr. Wilson Riles, created the bilingual bicultural task force[7]

in 1971 to provide support and information to department divisions and local school districts. It was not included in the matrix. "To this day," task force manager Gilbert Martinez told Commission staff,"...[task force staff] still do not know how they fit into the [department's] delivery system."

Dr. Xavier Del Buono has responsibility for supervising the task force manager. He is also the adult age span manager. He told the State Advisory Committee:

> If you look at the [organizational] charts, I'm really responsible for the age span that corresponds to adult education; the task force reports to me for no other organizational reason other than it had to report to an associate superintendent.[8]

Dr. Del Buono told Commission staff that he assumed this responsibility was given to him because of his experience in bilingual education and because department administrators considered it important to maintain a direct line of communication between the task force manager and an associate superintendent.

Dr. Del Buono explained to Commission staff that each age span manager is charged with establishing bilingual programs to meet the needs of limited- and non-English-speaking students. Dr. Del Buono saw the major function of the bilingual bicultural task force as a support service providing technical assistance to department managers or school districts upon request.

GENERAL TASK FORCE RESPONSIBILITIES

Originally, the task force was established to support three educational programs: bilingual education, Indian education, and foreign language instruction. Gilbert

Martinez, task force manager, told Commission staff that the task force staff of nine professionals and four clericals oversee the following specific legislation: bilingual pilot programs (AB 116), State Bilingual Education Act of 1972 (AB 2284), bilingual teacher corps program (AB 2817), Indian early childhood education (SB 1258), Indian education centers (AB 2264), and Federal Title VII, ESEA (Bilingual Education Act).[9] The monitoring of these programs, he explained, far exceeds a normal workload and continues to hinder the staff's effectiveness.

According to Dr. Martinez, the majority of staff time is expended on providing technical assistance to bilingual programs funded by AB 2284 and Federal Title VII, ESEA. In school year 1974-75, five task force consultants were responsible for working with 69 AB 2284 and 98 Title VII bilingual projects.[10] Since these two programs consume the largest proportion of task force time both will be discussed in detail below.

TASK FORCE RESPONSIBILITIES FOR TITLE VII, ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)

Title VII, ESEA, authorizes the U.S. Office of Education, Department of Health, Education, and Welfare (DHEW), to fund bilingual education programs in local districts and preschools. Under Title VII amendments effective August 1974, bilingual bicultural instruction in the classroom will be provided to "the extent necessary to allow a child to progress effectively through the educational system."[11]

During the school year 1974-75, California had 110 Title VII programs out of a total 380 funded across the nation. The State received more than $13 million or approximately 25 percent of the total Title VII appropriations.[12]

Title VII provisions stipulate that a State education department receive notification of each local school district's grant application and that the department have the opportunity to make recommendations to local districts and the U.S. Office of Education. In California the task force assumed the department function of reviewing all Title VII grant applications. Dr. Martinez noted:

> The Bilingual Bicultural Task Force has responsibilities to review Title VII ESEA programs ... so as to provide the U.S. Office of Education division of bilingual education in Washington, D.C. our best shot in terms of which programs ought to be funded. However, [the U.S. Office of Education] has managerial control, fiscal control [and] all other controls.

In the spring of 1975, the task force had only 10 days to review nearly 200 Title VII proposals and rank them in the order of funding priorities. As a usual practice, districts submit program proposals to the task force only a few days before the scheduled Federal reviews of these proposals. During the 1974-75 school year, task force staff provided technical assistance to Title VII projects only upon request.

Prior to 1975 no Federal funds were available to cover State agency costs for reviewing proposals and providing technical assistance to Title VII bilingual programs. All Title VII funds were sent directly to the local school districts. In a 1975 speech, Dr. Martinez stated:

> It is the opinion of the State Department of Education that proper and efficient conduct of State bilingual programs can only be accomplished by providing dollar amounts for State Department of Education administration of said programs.[13]

He pointed out that the lack of monitoring at the State level allows districts too much autonomy over the use of funds and that:

> ...there has also been inordinate amount of waste by funding school districts which may not be ready to install bilingual programs. Their readiness cannot ... be ascertained 3,000 miles away [in Washington, D.C.] by merely reading a project application.[14]

The 1974 amendments to the Federal act permit up to 5 percent of the total Title VII appropriation for each State to be used "...for the coordination by such State [educational] agency of technical assistance to programs of bilingual education in such State assisted under this subchapter."[15] Dr. Webster, deputy superintendent for programs, told the Advisory Committee that the department submitted an application requesting Federal funds for State level coordination of Title VII projects. He was notified in June 1975 that California, which received more than $13 million in Title VII bilingual funds for fiscal year 1974-75, would not receive State coordination funds.

John Molina, director of the Office of Bilingual Education, U.S. Office of Education, which administers Title VII programs, told Commission staff that no State education agency received funding for school year 1975-76 for coordination of Title VII programs. He added that Congress revised the laws to provide for State coordination costs, but did not appropriate funds for this function in fiscal year 1975-76.[16]

Dr. Molina explained that local school districts had conducted Title VII program evaluations on a voluntary basis since that inception of the program. Fiscal year 1975-76 is the first year DHEW will require evaluations from participating districts. The responsibility for monitoring

local districts, however, will remain at the Washington, D.C., level.

TASK FORCE RESPONSIBILITIES FOR BILINGUAL EDUCATION ACT OF 1972 (AB 2284)

A. General Responsibilities

A second major task force responsibility is overseeing California's Bilingual Education Act of 1972 (AB 2284),[17] which funded 69 districts (125 schools) and served 20,216 students during the 1974-75 school year. Assembly Bill 2284 funds for 1974 totaled $4 million.

The legislative intent of this bill was to provide supplemental financial assistance for school districts to meet extra costs of phasing in bilingual education programs. Because classroom instruction for all subjects must be conducted in both English and the primary language of the limited-English-speaking children, the act excludes financial support for ESL programs.[18]

Assembly Bill 2284 provisions require that the State department of education administer all the provisions of the Bilingual Education Act.[19] Staff are to review project proposals, provide technical assistance, make recommendations to districts on testing and testing mechanisms, and develop an evaluation model for participating school districts. Annual evaluations of AB 2284 participants and an annual census identifying non- and limited-English-speaking students in all school districts in the State were also required by that law. Except for the evaluations and census, the department conferred its statutory responsibilities to the task force. Dr. Webster told the California Advisory Committee, that "the primary responsibility of the task force has been for the administration of 2284."[20]

Gilbert Martinez, task force manager, told the Advisory Committee that the responsibility of the task force for AB 2284 was primarily that of reviewing district applications and providing technical assistance. Following reviews of district applications, task force staff provide technical assistance, but only upon request. They visit bilingual classrooms, meet with parents and administrators to make recommendations, and inform them of recent developments in bilingual education and changes in program guidelines. Workshops on bilingual education are conducted at regional sites for the benefit of interested district and county employees. Staff also participate in bilingual conferences throughout the State.

B. Fiscal Responsibilities

According to David Jolly, consultant with the State department of finance,[21] the bilingual bicultural task force is also charged with reviewing AB 2284 program budgets.[22] Other categorical program budgets within the department are reviewed by the consolidated application entitlements reports unit at the request of department divisions or whenever budget discrepancies are discovered. The primary function of this unit is budget review. Contrary to this practice, AB 2284 program budgets are reviewed by bilingual bicultural task force staff, few of whom have accounting backgrounds.[23]

Task force fiscal reviews consist of reading a district's midyear budget report and comparing it to the budget submitted at the beginning of the year. During the year, consultants may call districts to verify that they are spending bilingual monies proportionately for each quarter.

Despite these fiscal reviews, the legislative analyst's office found surpluses of 2284 funds at the end of the 1973-74 school year totaling $570,000 or 14.7 percent of the $4 million appropriation.[24]

A few of the school districts in the State with unexpended project grant funds for 1973-74 are listed in Table II.[25]

Despite the unexpended funds, the State department of education recommended an increase in project grants funds for each of these districts for 1975-76 as follows: Oakland, $120,000; San Bernardino, $140,000; San Diego, $300,000; San Francisco, $312,821; and Los Angeles, $400,000.[26]

TABLE II

Selected School Districts With Unexpended Project Grant Funds: 1973--74

School District	Project Grant 1973-74	Unexpended Funds 1973-74	Project Grant 1975-76
Oakland Unified School District	$ 60,000	$ 38,205	$120,000
San Bernardino City Unified School District	$109,475	$ 39,184	$140,000
San Diego City Unified School District	$193,736	$117,307	$300,000
San Francisco Unified School District	$187,946	$ 71,967	$312,821
Los Angeles Unified School District	$203,470	$ 44,040	$400,000

Assemblyman Chacon, author of AB 2284, expressed his concerns about fiscal control to the Advisory Committee:

> Fiscal control over the [2284] bilingual education funds has been insufficient in the past. $570,000 or 14.7 percent of the allocation of AB 2284 funds to school districts in 1973-74, was unexpended. What happened to $570,000 which could have used to fund other [bilingual] projects? There were 70 school districts that applied for funds which were not able to get the monies.

Gilbert Martinez told the Advisory Committee that unexpended funds had been the result of midyear funding of some projects. However, he could not account for unexpended funds in projects funded for the entire school year.

C. Compliance Responsibilities

From its paper fiscal and program reviews, the task force found that local projects may not be complying with the Bilingual Education Act requirements. When asked by the Advisory Committee how many schools were not meeting the legislative requirements, Dr. Martinez responded, "I would suggest to you [that] every one of them at one time have been out of compliance, but those compliances are attuned and adhered to once we get an on-site investigation." Dr. Martinez had no data to support this claim.

In fact, few onsite reviews of bilingual programs are undertaken by the task force. Dr. Martinez said that limited staff makes it impossible to systematically conduct onsite reviews of all 167 bilingual projects.[27] As a rule, consultants do not visit a project site unless a complaint has been registered about a project's operations, or they have been invited by school personnel.

When task force staff make ad hoc onsite visits to bilingual programs, they have no written guidelines or review instruments to provide uniformity to reviews. According to three task force consultants interviewed by Commission staff, each consultant develops his or her own onsite procedures to determine program effectiveness.[28] The average time spent at a local project ranges from 1/2 to 2 days, with approximately 10 to 20 minutes in each bilingual classroom.

To date, there is no annual systematic department review of all bilingual bicultural programs as there is for other State-funded programs. The only systematic onsite reviews of 2284 programs by department staff are conducted by the program review and improvements and early childhood education units in conjunction with their other program responsibilities. These units have no formal direct link with the bilingual bicultural task force.

Because of a lack of any systematic review, Dr. Martinez told the California Advisory Committee that the task force staff was unable to tabulate the findings of their field investigations. Consequently, the task force cannot accurately measure statewide program effectiveness and compliance.

This lack of documentation by the task force of district noncompliance with AB 2284 provisions reflects broader department policy relative to bilingual education. Dr. Webster, deputy superintendent for programs, told the Advisory Committee:

> [The department] won't necessarily tally them [instances of noncompliance] if it's a very minor non-compliance issue. So, non-compliance, in terms of the kinds of programs we're dealing with whether it's an entitlement program, a competitive program or an expansion program, are all very

different and then we have all the way from a very minor non-compliance to a very serious issue that we deal with in districts....

There's a tremendous amount of interpretation of the law, very often what we [the department] say is non-compliance, the district will say is compliance. So we have to be extremely careful and be absolutely sure that we are right.

According to Dr. Webster, when a district is found in noncompliance with the Bilingual Education Act, the department determines whether the case is "a really serious, major violation." There is no one person within the department who makes this determination, nor are there any written guidelines within the department to delineate major violations and appropriate sanctions.

Although the department seems uncertain as to what constitutes compliance, the Bilingual Education Act itself is explicit in setting minimum requirements for local district projects. For example, the Bilingual Education Act specifies that all teachers instructing 2284 bilingual classes must be bilingual. The act permits a district to obtain a 2-year waiver of this provision from the State department of education after the district has made a diligent search for a bilingual teacher with the assistance of the department.[29]

Dr. Martinez told the Advisory Committee that his office identified about 80 percent of the more than 1,000 teachers in the 2284 programs as monolingual- English-speaking. He added that only five districts had obtained a 2-year waiver from the department. Despite the legal mandate of the department to ensure that the provisions of the Bilingual Education Act of 1972 are adhered to by local districts, the department took no action against those districts which they knew did not have bilingual teachers.

Joel Gomberg, an attorney for the California Rural Legal Assistance, told Commission staff that the State department of education has not even made the minimal effort of defining a "bilingual teacher" for the purposes of the Bilingual Education Act of 1972.[30] He added:

> It is not enough to appropriate money for programs and label them 'bilingual' when nothing in fact has changed in the classroom. Such a policy is destined to result in the failure of bilingual bicultural education because it is not bilingual or bicultural or education.[31]

Maurice Jourdane, another attorney for the California Rural Legal Assistance, told the Advisory Committee:

> [The State department of education is] also required by law to act as a clearinghouse for bilingual personnel, so districts can come to them....[The department staff] hasn't done that and that's clear statutory duty. Had they fulfilled that statutory duty they might know whether there are enough bilingual teachers or not.

In an effort to ensure district compliance with provisions requiring bilingual teachers for AB 2284 programs, Dr. Martinez told the Advisory Committee, "Instructions went out to the school districts [June 15-20, 1975] from the State department of education stating that they must be in compliance with this statute." According to Dr. Webster, if a district tells the department that it is not going to conform with the hiring of bilingual bicultural teachers for 2284 programs, its funds will be withdrawn.

It is evident that a district announcing it will not comply is an extreme and unusual situation. It is unclear, however, the extent of district action necessary to satisfy

department demands. For example, will district statements or written plans indicating district efforts to obtain bilingual teachers be required and will these written plans, in themselves, suffice?

Under California law, the State board of education is charged with the responsibility for adopting all rules and regulations necessary for the effective administration of the Bilingual Education Act.[32] Assemblyman Chacon perceived problems related to this responsibility:

> Perhaps the most serious problem in the administration of bilingual bicultural programs by the State Department of Education is a failure of the State Board of Education to adopt the rules and regulations for AB 2284 until last month [May 1975], nearly 2-1/2 years after the legislation went into effect. These regulations were not submitted [to the board] by the Bilingual Bicultural Task Force until May 1975.
>
> How could the bilingual programs be effectively administered when rules and regulations were adopted so late?

Maurice Jourdane told the Advisory Committee that without guidelines and regulations, districts could receive monies for bilingual projects that probably were not bilingual. He concluded that this was a State problem as well as a district problem since the State had a duty to write guidelines and it did not carry out that duty.[33]

A member of the board of education, Tony Sierra, stated the board's position:

> I was as concerned as [the Advisory Committee members] are because of the lack of adoption of these rules, because I know it was a State

> mandate...and [the board] kept requesting [and the department] kept saying, well, they're coming up next month, or they're coming up in 2 months, and it just kept going on and on until it finally did arrive.

Mr. Sierra added that the board requested the department draft rules and regulations in 1972, but the board did not receive them until 1975, at which time they were adopted.

"I think that the board is working very strongly in support of bilingual education," opined Mr. Sierra, "[but] the board has no mechanism, it doesn't have a staff of its own to make sure that things are followed through....We simply have to rely on the good faith of the department...."

TASK FORCE TRAINING RESPONSIBILITIES

Besides the time spent in working with the school districts, the task force has also attempted to provide information on bilingual education to divisions within the department. Dr. Adele Martinez, task force consultant, told Commission staff that the task force scheduled a 2-day workshop in early fall of 1974 for department staff on bilingual education. Only seven persons attended, although announcements were circulated to every department division.

Once bilingual programs were incorporated into the consolidated application process in the late fall of 1974, however, other department staff recognized a need to become informed on bilingual education. Since November 1974, requests from other department divisions and county staff with program responsibilities have triggered eight workshops sponsored by task force staff. Dr. Roberto Cruz, director of one of the 2284 projects told the Advisory Committee:

> With the cooperation of the task force, the people are now sitting together and talking about what we

should go out there and say about bilingual education. That's a positive that we are excited about.

But as long as the department allows for only informal training by the task force, Dr. Martinez believes that other divisions will not request support until they have encountered problems they are unable to resolve. These problems, she believes, could be prevented with a regular channel of communication between the task force and other department units. This channel does not exist now.

OFFICE OF PROGRAM EVALUATION AND RESEARCH

Responsibility for compilation and publication of the annual evaluations of 2284 bilingual programs and annual census results of California's limited- and non-English-speaking students rests with the office of program evaluation and research (OPER). In addition, this office has worked on improving the testing instrument utilized by the districts for these two surveys. Dr. Jose Martinez, consultant with OPER, is the professional staff of one charged with fulfilling these statutory obiligations.[34]

Dr. Jose Martinez told Commission staff that OPER's compilation of the annual 2284 evaluations does not duplicate other department efforts. It is his understanding that the program review and improvement unit (PRI) and the bilingual bicultural task force conduct onsite reviews to determine compliance with laws and board regulations, not to determine the quality of bilingual programs.[35] Although no formal coordination exists between OPER and other department units which review bilingual programs, Dr. Martinez told the Advisory Committee that:

> ...[When] I visit districts or talk to districts, I find some discrepancies between district applications and actual bilingual programs; those

discrepancies are submitted verbally to the member of the task force that was responsibile for that particular project.

Dr. Jose Martinez received no feedback as to any action taken by the task force regarding the specific areas of noncompliance identified.

AB 2284 Evaluations

To ascertain 2284 bilingual program quality and effectiveness, the legislature requires that each participating district submit to the department an evaluation of the students in 2284 bilingual classes, including reading comprehension and speaking skills in English and the second language of instruction. The law stipulates that districts prepare these evaluations as prescribed by the State department of education. The department compiled the first 2284 evaluations during the 1973-74 school year.

In an annual report to the legislature in 1975, the office of the legislative analyst analyzed the department data and found that the Bilingual Education Act provision requiring district evaluations was not adopted as a department regulation or made binding upon the districts. The report also noted that "there was no uniform set of defined objectives nor was any standard set of tests administered."[36]

Hal Geiogue, legislative analyst, reported that this first evaluation of the 2284 bilingual program was "basically descriptive and inadequate to provide any quantifiable measure of student achievement."[37] Furthermore, he told the California Advisory Committee, the evaluation was collected on different forms, with different objectives in each district. This procedure, he added, precluded the

department from systematically analyzing the data and determining the effectiveness of the use of 2284 funds.

Dr. Roberto Cruz, director of a 2284 bilingual project in Berkeley, California, also questioned the adequacy of the evaluation instrument developed by the department:

> We do not have a uniform instrument in Spanish or in Chinese that we can administer statewide and say that this is the hard data to show, in the native language, where the children are.

Although Dr. Jose Martinez did not participate in the 1973-74 evaluation, he understands that it was the first time districts were asked to account for bilingual programs. "Remember that the Federal Government had a bilingual education program for 6 years prior to [the State's] but there was absolutely no feedback given [by the Federal Government] to the districts," he told the Advisory Committee. "The first real feedback the districts got in the State of California was from the evaluation documents submitted to us in 1973-74." This first attempt at evaluation, added Dr. Martinez, predictably encountered some difficulties.

Acknowledging inadequacies in the 2284 evaluations, Dr. Martinez maintained that the sketchy data submitted by the districts were the result of either: (1) districts not fully understanding what they were attempting to evaluate, "...the lack of understanding of the complexity of the concept of bilingual education"; or (2) districts not having a truly bilingual program and, consequently, unable to submit the necessary information.

As a result of the sketchy information submitted by districts during the 1973-74 and 1974-75 evaluations,[37] OPER took corrective measures to improve the evaluation process for 1975-76. Dr. Martinez told the Advisory Committee:

> We have provided a more structured framework for data collection that will actually give the districts some kind of indications as to ... what they should produce to provide students ... a bilingual education program.

For example, the original department evaluation form for 1973-74 and 1974-75 measured a child's performance in three academic areas (language, reading, and math). The tests were administered only in the English language and not in the second language of instruction as mandated by the Bilingual Education Act.

Dr. Jose Martinez told Commission staff that the renovated evaluation form now requires specific information on the achievement capability of non- and limited-English language groups in the three academic areas in both the English language and the child's primary language. For 1974-75, Dr. Martinez also requested that each district report the criteria used to determine student achievement and the distribution of limited- and non-English-speaking students at each grade level in terms of these criteria. Although districts are required to prepare evaluations, the department has yet to provide them with more than suggested procedures as outlined by Dr. Jose Martinez.

According to Dr. Martinez, a further problem in the evaluation is that the department has not developed uniform terminology for bilingual education evaluations. Currently, there is no one definition for bilingual bicultural education utilized by districts in conducting evaluations nor is it required by the department.[39] The terms non- or limited-English-speaking also lack a standard definition. To ensure that district personnel fully understand the concept of bilingual education, as he perceives it, Dr. Martinez plans to meet with county and district personnel who will be collecting the district data and thoroughly explain the evaluation process.

In the spring of 1975 Dr. Martinez devised a questionnaire to obtain more detailed information on existing bilingual programs. This new form, "Bilingual Bicultural Programs On-Site Questionnaire," asks for more specific data to review program effectiveness. The specific information to be gathered include: school profile, classroom environment (bilingual and non-bilingual), teacher behavior, parent attitude, and student achievement. Questions are not directed at teacher preparation and qualifications regarding teaching in bilingual bicultural classes. Dr. Martinez believes that one question about the amount of teacher time spent speaking English will distinguish full bilingual bicultural programs from those of English as a Second Language. He told Commission staff that this will be a qualitative review rather than a compliance effort; the effort will eventually provide districts with recommendations for improvement.

The questionnaire was field tested in May 1975 by county and bilingual bicultural task force staff. This field test was only for 2284 programs. If the findings contain the necessary information to determine bilingual program effectiveness, Dr. Martinez foresees the use of this test in 1976 for all State-funded bilingual programs as well as for 2284 evaluations.[40] This test, if utilized, would not be mandatory.

Refinement of 2284 evaulation forms by OPER still leaves unresolved the problem of school districts which do not submit the evaluation data. Although State law requires each participating district to submit evaluations for all students in the program, the 1973-74 department evaluation summary was based upon only 5,033 student samples from a possible total of 20,216.[41]

The department has taken no action against those districts which did not comply with the mandatory evaluation provisions of the act. Dr. Webster, deputy superintendent

for programs, told the Advisory Committee of the department's reluctance to impose sanctions:

> We're talking ... in terms of the kinds of dollars we're dealing with, about 300 million dollars of categorical funds, of which 4 million this year (1974-75) is 2284, and if the Governor signs it, we hope to get 8 million next year.[42] If we withhold those funds, we withhold them from the kids who need the program the most.

Teresa Perez, representing the Chicano advisory board in Fresno, provided a different perspective on bilingual program funds:

> ...[A]ll afternoon I have been hearing, 'If you cut off those...dollars the poor children won't get served!' Well, I don't feel that way about it. If the money isn't being used for what it's supposed to be used for, then how is it benefiting minority children?

Despite Dr. Webster's comment, it is still unclear why the department does not insist that local districts comply with the law. In discussing district noncompliance with 2284 provisions, Dr. Webster explained that the department did not want to become overly concerned with determining compliance; "In addition to non-compliance, one of the things we're [the department] interested in is quality of a program. Are the kids learning?" Apparently, evaluations of students' achievement is not a measurement of quality for the department.

Under the evaluation provisions of the Bilingual Education Act, however, it would appear that compliance requires the evaluation of program quality. If the department required districts to comply with these provisions of the act, such as annual student evaluations in

English and the second language of instruction, the department would have valuable data for determining program effectiveness. Yet, only 25 percent of the districts complied with this section of the act in 1973-74, and an even smaller percentage submitted data for meaningful evaluation of 2284 bilingual programs.

The department need not deprive language-minority children of service. Appropriations withheld from a noncomplying district could be redirected to districts willing to provide bilingual education as mandated. The 2284 bilingual program is competitive--a district not providing bilingual education in compliance with the law may be replaced with one that can. The department has a large number of districts from which to select a replacement; for school year 1974-75, alone, 70 districts submitting 2284 bilingual project proposals were not funded because the $4 million of 2284 funds had already been allocated.[43]

Non- and Limited-English-Speaking Survey

The Bilingual Education Act of 1972 mandates that all local school districts ascertain the number of limited- and non-English-speaking children in their school in accordance with regulations established by the State board of education. Annual census results compiled by the districts are to be reported to the department by April 1 of each year. The office of program evaluation and research has the responsibility for tabulating and summarizing this data into report form.

Since the passage of the Bilingual Education Act of 1972, there have been three district-conducted census counts. There were no board regulations in effect during any of these surveys.

The first census for school year 1972-73 identified a total of 188,159 non- and limited-English-speaking students

in grades K-12. For the 1973-74 survey, the department asked districts merely to update the previous year's figures, rather than requiring a second complete survey of all students.[44] In September 1974 the department published their findings.[45] Department staff reported that the total of 202,000 limited- and non-English-speaking students in grades K-12 was based on a projection. This department estimate was necessary because only 50 percent of the school districts in the State submitted census estimates.[46] As noted in a department memorandum:

> The information is very incomplete as only 540 districts reported. California has 251 unified districts, 698 elementary, and 114 high school districts, making a total of 1,054.[47]

Dr. Webster told the Advisory Committee that the 202,000 included 44,000 non-English-speaking and 158,000 limited-English-speaking students. He added, "The main language categories, of which there are 72 in California, are Spanish with 157,000 in this group ... and about 9,300 Cantonese."

According to Dr. Jose Martinez, the figure projected by the department in 1974, "... actually short counted, and we now estimate that there are approximately 225,000 non and limited English speaking students in the State of California." This larger estimate based on updates of the 1972-73 census is the official count reported by the department for fiscal year 1974-75.

One basis for increasing the estimate to 225,000 was Dr. Jose Martinez' review of totals submitted by districts. Whenever, in his opinion, he thought there was an undercount in a high minority population area, he called districts to request recounts. For example, he contacted the Fresno Unified School District when their initial survey identified only 24 non- and limited-English-speaking students in a

county with a population of 104,177 or 25 percent Spanish speaking background and 20,088 Native Americans and Asian and Pacific Americans.[48] Time constraints did not permit Dr. Martinez to call every district whose data appeared questionable.

Dr. Xavier Del Buono, associate superintendent with the department, told Commission staff that the department retains other statistical information relative to language minorities which might be utilized as a control for district-submitted data. He cited one possiblity as the 1974 reading assessment survey, which identified 486,268 public school students as coming from homes where the dominant language is other than English. To date, there has been no effort to compare this data with the OPER census.

The testing instrument utilized in the survey further brings into question the reliability of district figures.[49] A significant failing of this instrument, Dr. Jose Martinez told Commission staff, is that its questions are not sufficiently broad in scope to adequately determine the listening, comprehension, and speaking ability of a child in either language. The test uses questions such as, "Select the blue pencil from among those on my desk," and "What people live in your home?" to determine a child's comprehension and fluency in a language.[50]

A child with limited English language ability might pass this test but still have difficulty with more complex concepts in English. Dr. Del Buono told the California Advisory Committee:

> We're often fooled by youngsters who come to school in kindergarten and grade one, having already learned a very limited vocabulary that's adequate for survival in the classroom and the playground and in the social use of language. The problem, of course, is as children go up through

> the educational program, the adequacy of that vocabulary and that language knowledge falls far short of the needs for skills in organizing and abstracting in the language. And so teachers are often fooled as to the real extent of a youngster's fluency.

A second major criticism of the testing instrument is that districts must enlist the help of their own staff to conduct this survey. This requires districts to pull staff from other jobs to administer the test. Some districts have complained that this annual effort is extremely time consuming.

Another concern voiced by community groups is that the department test procedures permit English-dominant personnel in local disticts--generally teachers--to administer the test in English and in the second language. The tester then rates a child's performance in English and the second language in which the teacher may not be fluent.[51]

Assemblyman Chacon told the State Advisory Committee:

> Reports from teachers in [2284 programs] and project directors in the field indicate that identification of limited English speaking students was often based on the subjective judgement of a classroom teacher who may have had no training in assessing language liabilities. These project directors have expressed a fear that students who are truly limited English speaking may have been overlooked by this census.

Additonally, the concept of teacher identification contains an inherent flaw. Barbara Sandman, a consultant with the early childhood education management team, said that having districts make their own determination leads to

the problem that an insecure teacher will not identify a child as one he or she cannot teach.[52]

Maurice Jourdane stated that the CRLA attempted to obtain more specific information on the language testing procedures from the department:

> We asked [the department] in interrogatories whether they knew what was done by teachers or anybody who spoke Spanish --- what criteria was used to make language dominance determinations. They had no information on any of that and they made no effort to find that out.

Despite these concerns regarding the department's recommended testing instrument, the department has not updated this test or developed another instrument. Currently, any district dissatisfied with the language dominance criteria test may use another as long as the use of the alternative testing instrument is reported to the department. Standardization of testing becomes increasingly difficult as the number of instruments utilized by the districts increases.

Dr. Martinez told Commission staff in a May 21, 1975, interview that, of the several tests now available to determine language dominance, most are inadequate for testing students who have proceeded beyond the second grade level in academic work. He added that tests now utilized by the local districts, including the instrument recommended by the department, are extremely time consuming in that each must be administered on a one-to-one basis.

District administrators have complained to Dr. Claude Hansen, manager of the early childhood education review unit, that present survey methods inaccurately identify the numbers of limited- and non-English-speaking students in their districts. According to Dr. Hansen, inaccurate counts

indirectly hinder qualitative reviews of bilingual programs. Barbara Sandman, a consultant with his unit, further detailed the dilemma: until the department knows the extent to which a child can speak English, how can department review teams determine whether a district bilingual program is a good one for the children at that school?[53]

Dr. Del Buono suggested to the Advisory Committee another possible basis for inaccurate counts by districts:

> There's the problem of a [district's] willingness to identify such youngsters [limited- and non-English-speaking]....The Office for Civil Rights [DHEW] is coming down hard on districts who have youngsters in this category and are not serving them. It's very easy for a district to say "We don't have these youngsters; therefore we're not in non-compliance."

Nevertheless, the department presently relies solely on district personnel to properly administer a test in at least two languages and accurately report that information to the department.

CONSOLIDATED APPLICATION PROGRAMS

Three other department units with bilingual education review responsibilities were established primarily to oversee various consolidated application programs: program review and improvement unit (PRI), early childhood education unit (ECE), and regional service teams (RST). A bilingual program is reviewed by these units only when it is a component of the larger, consolidated application. Although not required by the department, 2284 programs were also critiqued by these same units when found in a district undergoing review for other consolidated program.

Consolidated application programs are the result of regulations adopted by the State board of education on May 18, 1974, requiring districts to develop comprehensive program plans to meet the educational needs of participating students. Part of this new procedure requires districts to submit only one application for all categorical programs funds rather than multiple applications as had been the practice.[54]

Under this approach, a child's educational needs can be met by any categorical aid funds for which a child is eligible. The board further required each applicant district to conduct an initial needs assessment and an annual evaluation of program success.[55]

At least four of the seven programs within the consolidated application contain provisions which permit use of funds to assist non- or limited-English- speaking students. These four programs are: (1) the educationally disadvantaged youth program (SB 90); (2) the special elementary school reading instruction program (also known as the Miller-Unruh Basic Reading Act); (3) the early childhood education programs; and (4) compensatory programs under Title I of the Elementary and Secondary Education Act of 1965. The specific bilingual programs, Title VII, ESEA, the Bilingual Education Act of 1972, and the bilingual pilot programs, were not included in the original consolidation form. Dr. Webster could not explain to the Advisory Committee the reason for the exclusion of these categorical aid programs.

The following is a summary of the four programs in the consolidated application which may include bilingual components.[56]

1. The Educationally Disadvantaged Youth Program[57] (EDY) (SB 90), passed in 1972, received appropriations of $82 million for 1973-74. An additional $2.6 million was

appropriated in 1974 to supplement SB 90 funds for the San Diego and Long Beach Unified School Districts.[58]

Funding for SB 90 is apportioned to California school districts based upon an education needs formula using the following factors: (1) language barriers, (2) family income, and (3) pupil transiceny.[59] Data for these three factors were collected in 1971 from local districts. The office of the legislative analyst urged an update of this information, arguing that a district with certain needs in 1971 due to its student population may not be in the same position of need today. The department informed that office that it would not update the factors for applications submitted for fiscal year 1975-76, reasoning that the formula was too unstable and any change would significantly alter the apportionment pattern and disrupt planning at the local districts.

The office of the legislative analyst also questioned the SB 90 formula utilized to identify bilingual bicultural pupils. The formula includes only pupils identified as American Indian, Spanish speaking, Chinese, Japanese, or Korean. Other ethnic groups with significant populations in California, particularly other Asian and Pacific Americans, are not itemized.[60]

The numbers of limited- and non-English-speaking children served by SB 90 programs are not available. Rather, the department has data only on the total number of limited- and non-English -speaking students (33,713) participating in both EDY and Title I ESEA during the 1973-74 school year.

2. Enacted in 1972, the Early Childhood Education Act (ECEA) authorizes funds to assist children in grades K-3.[61] The program was created to assure a comprehensive plan for primary education in California. Twenty-five million dollars was appropriated for ECEA programs in 1973-74 and

$40 million in 1974-75. Program funds are apportioned among applicant school districts, giving the highest priority to districts with the greatest number of student educational needs and low income families. Early Childhood Education Act and EDY formulas to determine these factors are similar.

The department's ECEA evaluation for fiscal year 1973-74 indicated that nearly 50 percent of the ECEA projects included subjects such as bilingual bicultural education, ESL, music, and art; however, the department could not provide the numbers of limited- and non-English-speaking children served by ECEA programs.

3. Miller-Unruh Basic Reading Act of 1965[62] funds are available to qualified school districts for a salary allowance for specialists in reading. The intent of the legislature was to improve funds and services to districts where the need for reading instruction was great and the financial ability was least.

A Miller-Unruh project in each district may include a specialist and, until July 1, 1975, teacher aides. Each project must include provisions for evaluation.

In 1974-75, 249 school districts were participating in the Miller-Unruh program. One thousand five hundred and thirty-six specialists received an average State subsidy of $9,818. Program funding in 1974-75 totaled $15,349,625 plus $243,000 for bilingual aides. There are no department figures on the numbers of limited- and non-English-speaking children served by this program or on the number of bilingual aides.

4. Federal Title I, ESEA,[63] has two applicable components: migrant education program and educationally disadvantaged student program.

In 1974 California received more than $9 million for migrant education programs to assist more than 80,000 children of migrant agricultural workers who reside in California for at least part of each year.[64] The department estimates that 50 percent of the migrant children served were limited- or non-English-speaking. Although migrant education does not include bilingual education programs, it does provide for bilingual aides and resource teachers to assist classroom teachers.

Funds for disadvantaged pupils are granted on the basis of the number of children from low income families in each district. The department of education, in some instances, has combined these funds with State EDY monies to provide ESL programs for disadvantaged students.

Three department units, regional service teams, program review and improvement, and early childhood education, reviewed bilingual programs funded by consolidated application grants during the 1974-75 school year. Bilingual programs funded by AB 2284 were also reviewed by these units but only if such programs were located in a school under consolidated application review.

Each unit's responsibilities are discussed below with emphasis on responsibilities for bilingual education.

It should be noted that, unlike reviews conducted of AB 2284 bilingual programs by the bilingual bicultural task force, the department requires these units to monitor consolidated application programs for compliance with State statutes as well for program quality.[65] It is unclear why this dual policy exists in the department.

PROGRAM REVIEW AND IMPROVEMENT UNIT

The program review and improvement (PRI) unit [66] was established in 1973 to monitor Federal Title I expenditures.

The unit was formed as a result of criticism by the U.S. Office of Education that the State department of education was not properly administering these funds. On July 1, 1974, the unit's responsibilities were expanded by the department to cover reviews of State SB 90 monies. The program review and improvement unit not only evaluates program effectiveness, but also conducts compliance reviews. Dr. Vernon Broussard, PRI manager, told the Advisory Committee:

> ...our primary mission was to assess compliance with the existing State regulations, the Federal regulations, with policies that had been promulgated by the State Superintendent of Public Instruction, Dr. Riles, and also by the State Board of Education. Secondly, an integral part of that was to also assess the quality of the programs.

During the early part of 1974, the PRI unit began planning for reviews of all elementary schools receiving SB 90 funds except those schools also granted ECE expansion funding.[67] Junior and senior high schools with SB 90 programs were also PRI responsibility. In all, 1,000 SB 90 schools were targeted for review from September 1974 through May 1975.

In preparation for the first onsite reviews, a combined ECE and PRI team field tested review instruments. Workshops were held to solicit comments from community and school personnel. Program review and improvement unit manager, Dr. Vernon Broussard, estimates that 700 persons made recommendations on the proposed form. The final instrument contained three sections: (1) district level compliance with Federal and State regulations and policies, (2) school level compliance, and (3) program quality.

One week was devoted to staff training for all PRI and ECE field staff, Dr. Broussard said. Emphasis was placed on the use of the review instrument to maintain uniformity in rating districts and schools.

The program review and improvement unit notified each district of its intended onsite review 30 days prior to the scheduled visit. The notice listed the schools within the district that would be visisted by the PRI team. The district also received a copy of the review instrument which focused on 15 areas. In addition to the preselected items, the PRI team leader could identify additional ones to review during the onsite process to ensure that districts were not prepared solely for the preselected areas.

Following the first letter to districts, a second letter was sent to district administrators, county superintendents, school principals, school advisory committees, and chairpersons of parent advisory committees. Included in this letter was an invitation to involve parents of advisory committees in the review process, but only at the discretion of a local school district. In preparation for onsite visitations, PRI staff also read the consolidated application submitted by a district.

The length of time spent at a school depended on the size of the school. Dr. Broussard told Commission staff that two people assigned to a school for 1 day was generally adequate. On several occasions regional service teams accompanied PRI teams. Dr. Broussard said that this procedure was due to RST's followup responsibility for those schools and districts which PRI teams found in noncompliance.

In addition to giving districts compliance ratings verbally at the conclusion of a review, PRI mailed written reports to the districts within 15 working days, giving school level compliance, quality ratings, and

recommendations for program improvement. Dr. Broussard told the Advisory Committee that once the PRI team reports were approved by the State superintendent, they were available to the public.

Staffing for PRI was originally slated for 22, with county school district staff supplementing full-time staff as needed. Due to funding problems, full-time staff only reached 13, with an additional 100 county staff used part time. These staffing limitations required Dr. Broussard to be selective in the number of reviews PRI could conduct. First, PRI identified school districts receiving more than $50,000 per year from SB 90 and Title I. Of these school districts, Dr. Broussard selected those which, in his opinion, PRI reviews would have the greatest impact.

According to Mae McCarthy, PRI team leader, by the end of fiscal year 1974-75 the unit reviewed only 69, or 50 percent, of the school districts it had originally hoped to review. This number was a marked increase, however, over the 17 Title I districts which the department reviewed the year before PRI was established.

All 69 school districts (431 schools) visited by PRI during the 1974-75 school year were found in noncompliance with some Federal or State laws or policies.[68] When a PRI review found a district in noncompliance, PRI could only cite the school or district and request submission of a plan for coming into compliance.

In some instances, the unit conducted second onsite reviews. Districts were selected for this second review on the basis of the degree of noncompliance and the kind of noncompliance found during the first onsite review. Dr. Broussard told the Advisory Committee:

> There are some areas [of noncompliance] we considered critical; as an example, the selection

> of schools and participants was very, very key...because if you aren't in the right school and not serving the right youngsters, then of course, whatever else is occurring is somewhat irrelevant.

According to Mae McCarthy, PRI reviews and citations were effective in getting a district or school into compliance. In the followup reviews of eight districts cited for noncompliance in more than six areas during the first review, PRI teams found that there had been improvements, if not complete compliance. Dr. Broussard explained his theory behind this district improvement as a result of the initial PRI review:

> By inviting parents in, by inviting teachers in, by opening up the review process...with that kind of exposure ... we have seen many school districts move in the direction ... of complying.

Dr. Broussard also told the Advisory Committee that PRI had brought some noncomplying districts to the attention of Superintendent Wilson Riles and "... he has not hesitated to indicate that he will indeed use the ultimate power ... if that authority is there, to withdraw the funds."

In addition, Dr. Broussard said,

> The effort under his [Riles'] leadership was to expand the definition of educationally disadvantaged to include youngsters who had different levels of verbal functioning, due to linguistic, social and economic isolation. So that not only AB 2284 funds would be available but also Title I, SB 90, were indeed available.

Dr. Broussard testified before the State Advisory Committee that, during the 1973-74 school year, 37 percent

of the children who participated in Title I and SB 90 programs came from Spanish speaking backgrounds; there were 107,000 Spanish speaking background children in the 69 districts reviewed by PRI. Dr. Broussard further informed the Advisory Committee that these language-minority students "were receiving services to some degree or the other ... you'd have to look at the PRI report to see that." He added, however, that, of these 69 districts, 25 were cited for violations in the area of bilingual education. All 25 districts had a student population of 15 percent or more Spanish speaking background, and 22 of these same districts were receiving AB 2284 funds.

Following the citations, all 25 districts submitted a written plan to PRI describing proposed action to bring the district into compliance. However, Dr. Broussard told the Advisory Committee that PRI has been unable to verify whether proposed action was taken:

> Essentially, unless ... the teams went back to actually see whether or not this had occurred or ... some other unit in the department ... it would be difficult to give an accurate answer [of how many districts came into compliance.]

Although part of the onsite bilingual program review consisted of classroom visitations and talking to students and community persons who were non- or limited-English-speaking, Dr. Broussard did not think there was a need for bilingual team members. As of December 1975, there was no department requirement that PRI, other department staff, or county staff team members be fluent in the language of the bilingual program being reviewed, nor were they required to be knowledgable about bilingual bicultural education.

EARLY CHILDHOOD EDUCATION MANAGEMENT TEAM

For the 1974-75 school year, early childhood education (ECE) funds of $40 million were allocated to 829 districts to assist students in grades K-3. Early childhood education teams have responsibility for reviewing local ECE programs for effectiveness and compliance with State laws.[69] Under State law, program effectiveness must be reported annually to the legislature.[70] Early childhood education staff also provide technical assistance to local implementors.

In 1973-74 the ECE unit reviewed programs in grades K-3 in all schools receiving more than $5,000 in ECE funds. Using this formula, all but 40 schools receiving ECE funds were reviewed. In 1974-75 the unit reviewed only those schools that had received expansion funds--a total of 711 districts and 905 schools. In approximately 36 sites, where schools received both Title I and ECE monies, the reviews were expanded to include grades 4, 5, and 6.

Prior to onsite visitations, the ECE school plans were reviewed by the teams. Onsite reviews were conducted from November 1974 through April 1975. The 24 ECE staff were assisted by 20 additional department staff and 20 consultants from outside of the department.

Review instruments were the same as those used by PRI teams. Generally, the review procedures of advance notification, school visits, and followup reports with recommendations, were similar to those of PRI. However, PRI reviews were conducted at a school and district level, while ECE reviewed only schools. For future ECE monitoring efforts, Dr. Claude Hansen told the Advisory Committee, he favored district as well as school level reviews.

Of the 905 schools reviewed by ECE, Dr. Hansen told the Advisory Committee, 247 had a student population of more than 15 percent limited- or non-English-speaking. Early childhood education teams reported that 59 of those schools had no bilingual programs; 92 had programs that were

evaluated from inadequate to adequate; and 96 programs were rated from good to excellent.

Throughout the period the reviews were conducted, PRI and ECE teams met monthly to discuss reviews. Dr. Hansen thought these meetings provided some reviewing and rating consistency between these teams.

Unlike the PRI unit, Dr. Hansen told the Advisory Committee, ECE was unable to do a second review because of the large number of preliminary reviews. However, if after the first review, a school was found in noncompliance with ECE regulations, the ECE unit would provide technical assistance. For all other programs found in noncompliance, including bilingual programs, the ECE findings were forwarded to RST, which has responsibility for followup reviews. Early childhood education was never informed of any subsequent action taken by RST. Dr. Hansen was unable to provide the Advisory Committee with the exact number of schools found in noncompliance, but he estimated that 60 percent of the schools reviewed by ECE teams were not complying with State laws and regulations.

Dr. Hansen pointed out that another distinction between PRI and ECE reviews is that school ratings given by ECE were ultimately the determining factor for providing expansion monies to the local ECE program. Dr. Hansen found that districts came into compliance more readily as a result of the rating system. Dr. Hansen told the Advisory Committee:

> I think that when you tell certain districts in the State that they are not permitted to [receive ECE expansion funds] and that information is publicized, it creates tremendous change, and incentive within the district and within the individual school. You have schools waiting in line to come in and because the success or failure of schools that have been in the program before

> will determine the extent to which additional schools [within a district] come in, there is an economic incentive to encourage districts to really work harder.

Printouts of school ratings were sent to all school districts. The ratings document, added Dr. Hansen, was also important because it enabled the ECE unit, on an item by item basis, to know what kind of assistance a district needed and to give each district detailed deficiencies.

When a school received a low quality rating, ECE could provide technical assistance. Onsite technical assistance was provided only to those schools which received the lowest ratings. Theoretically, the ECE teams provided technical assistance for all categorical aid programs, but in reality the focus was on ECE programs without including any bilingual elements. The ECE unit members, conceded Dr. Hansen, had little knowledge of bilingual programs, and therefore were not able to provide adequate technical assistance for them.

To prepare for reviews of bilingual programs, ECE staff participated in a 1-day training session conducted by the bilingual bicultural task force staff. The task force provided 2 days of inservice training for all department staff. Dr. Hansen added, "The need for in-service training, however, is greater than has been provided for. And I think one of the critical needs is that we spend more time in the area of in-service."

The instrument used for onsite reviews by both PRI and ECE teams contains sections for reviewing bilingual programs. Early childhood education staff questioned the adequacy of these sections. According to ECE consultants, Ms. Sandman and Dr. Blackmore, the review form does not require the identification of the kinds of language

assistance programs in a school. Both found, however, that most of the programs they observed seemed to be ESL.

Further, the instrument does not evaluate whether a bilingual program meets the needs of all limited- or non-English-speaking children identified in that school. For example, the rating would not identify a situation where there is a bilingual program for one group of language-minority students, but none to meet the needs of another language-minority population in the same school. Neither does the instrument review the bilingual abilities of teachers. This is particularly important, Dr. Hansen told the Advisory Committee, because, " ... we have to have bilingual staff and we have to have staff that are adequately trained to develop adequate bilingual programs."

REGIONAL SERVICE TEAMS

Regional service teams [71] (RST) were formed during 1970-72. There are currently 19 full-time staff in the unit. The unit also uses staff from the department's bilingual bicultural task force, ECE, PRI, and county personnel.

According to Manuel Ceja, assistant superintendent of public instruction for compensatory education and coordinator for RST, major responsibility of RST is to help districts apply for consolidated application funds. Regional service teams staff provides technical assistance to districts in writing applications and implementing programs. Unit procedure is to schedule county level meetings where State materials are distributed and the application process is explained. The teams then work with individual districts on specific problems. As with ECE and PRI, there is no requirement that staff be bilingual or have had bilingual bicultural education training.

During the year RST conducts workshops and provides technical assistance to the districts. Mr. Ceja told the Advisory Committee:

> The Regional Service Teams are a delivery system organization....The purpose of the Regional Service Teams is to provide the leadership necessary for school districts to apply to the department for the various categorical funding sources that are available to them.

Less clear is the unit's responsibility for monitoring district bilingual education programs. Mr. Ceja told the Advisory Committee that as referrals came to the unit from PRI or ECE, they were given to various team leaders for followup. However, RST did not maintain files summarizing specific referrals and RST followup, if any. He said that followup reports were not written by the unit.

> We[RST] would go down and work for a district, the districts would correct [the noncompliance found by PRI or ECE] and then send in the report to the PRI [or ECE] team....There was no formal report or response [required of districts]. Neither were districts required to respond to RST directly on compliance efforts.

Mr. Ceja told the Advisory Committee, "We[RST staff] don't go over the [district-submitted] reports to see if [the original citation of compliance] has been taken care of."

Mr. Ceja's assumption that school districts rectify noncompliance areas and report their subsequent action to ECE and PRI units was unsupported. He told the Advisory Committee he had no evidence to verify the effectiveness of this procedure.

The regional service teams' compliance review process for bilingual programs is vague and of questionable value. Regional service teams neither formally tabulate information on district compliance nor receive district reports on compliance efforts after ECE or PRI reviews, yet RST is the unit which recommends to the department the withholding of most consolidated application funds from a district.[72] Mr. Ceja told the Advisory Committee that the basis for withholding consolidated application money is whether a district has corrected its noncompliance, a determination made by RST staff, but he could not tell the Advisory Committee how RST staff reached such a decision.

NOTES TO CHAPTER III

1. The department of education announced a third reorganization effective July 1, 1975. This section, however, will detail the department's matrix system prior to July 1. The July 1975 reorganization will be described later in the text, but the short-term existence of the new system prohibits analysis of its effectiveness.

2. State of California, Department of Education, Organization of the California State Department of Education (Sacramento, 1974), p. 1220.

3. Ibid.

4. This report will not discuss the functions of the bureau of intergroup relations or the consolidated application, entitlements, and reports unit since they devote only a minimal amount of time in comparison with the other units in evaluating and providing technical assistance to bilingual programs.

5. In May 1975 Commission staff requested the information from Dr. William Webster, deputy superintendent for programs.

6. State of California, Office of the Legislative Analyst, Report of the Legislative Analyst to the Joint Legislative Budget Committee, Analysis of the Budget Bill to the State of California for the Fiscal Year, July 1, 1975 to June 30, 1976 (Sacramento, 1975), p. 634 (hereinafter cited as Analysis of the Budget).

7. Information on the task force is derived primarily from interviews with task force manager Gilbert Martinez, July 12, 1974, May 14, 1975, June 23, 1975; consultants Adele Martinez, May 14, 1975; Peter Wang, Mar. 3, 1975; Miguel

Navarrette, Mar. 5, 1975; and associate superintendent Xavier Del Buono, May 14, 1975, and June 23, 1975. As of October 1975, Adele Martinez succeeded Gilbert Martinez. Under the July 1975 reorganization, she is now director of the office bilingual education.

8. Unless otherwise noted, all direct quotations are derived from the transcripts of the California Advisory Committee to the U.S. Commission on Civil Rights open meeting in Sacramento, June 26 and 27, 1975.

9. See Notes 20-29 to Chapter 2.

10. According to Dr. Martinez, 72 projects receive 2284 funds, but the number of districts actually recorded is 69 since 2 projects were consortia serving a number of districts.

11. 20 U.S.C. § 880 et seq. (1974), as amended (Supp. IV, 1974).

12. U.S., Department of Health, Education, and Welfare, "ESEA Title VII Project Summary By State and Project Location Giving 1974 Grant Award Totals" (Mimeograph, Mar. 5, 1975). This document reports $16,741,476 in grant amount awarded. The legislative analyst's report notes that the State department of education estimated $13,800,000 Title VII funds in 1974-75 with an additional $3 million anticipated for the same year.

13. Excerpts from speech delivered by Dr. Gilbert Martinez, bilingual bicultural task force, to National Advisory Committee to the U.S. Department of Health, Education, and Welfare, Vacation Village, San Diego, Calif., Jan. 22, 1975.

14. On Dec. 3, 1975, Dr. Adele Martinez, director of the office of bilingual education, told the California Assembly Subcommittee on Bilingual Bicultural Education that the

State department of education has also limited its reviews of local bilingual programs for school year 1975-76 to telephone communications.

15. 20 U.S.C. §§ 880 6-7 (b) (3) (A) (1974), as amended (Supp. IV, 1974).

16. Dr. John Molina, interview, Oct. 3, 1975.

17. Cal. Educ. Code § 5761 et seq. (West 1975).

18. The State department of education added that ESL is an appropriate component of a bilingual program but it cannot be funded as an exclusive item. State of California, Department of Education, Comments on the California Advisory Committee Report (Dec. 5, 1975 draft) (hereinafter cited as Comments). The Dec. 5, 1975, draft was sent to the California State Department of Education for their review. Their comments, received Jan. 6, 1976, were incorporated into this final report where appropriate.

19. Cal. Educ. Code § 5761.5 (West 1975).

20. Assembly Bill 2284 legislation mandates that the districts conduct self-evaluations of 2284 programs and conduct a yearly census on the number of limited-English-speaking children in the district. According to Dr. Jose Martinez, office of program evaluation and research, compilation of district-conducted evaluations and ethnic identification surveys are not the responsibility of the task force but of the office of program evaluation and research (OPER). Other than supplying that office in 1973 with the testing instrument for conducting the first survey, the task force has had minimal contact with OPER.

21. The State department of finance conducts fiscal reviews of the State department of education budget.

22. David Jolly, interview, May 22, 1975.

23. Jim Nelson, manager, consolidated application entitlement reports unit, interview, May 15, 1975.

24. Analysis of the Budget, p. 636.

25. In a Jan. 6, 1976, letter to the California Advisory Committee, the State department of the education explained that 3.5 percent, or $155,997 of the $4 million available for 1974-75 were carryover funds for 1975-76. The department, however, did not provide the Advisory Committee with the project grant amounts and unexpended funds for 1974-75. Comments.

26. State board of education meeting, Sept. 11, 1975, agenda item No. 21.

27. The 167 projects include both the State programs for which the department has direct responsibility and the Title VII programs. Comments.

28. Contrary to the perceptions of the task force consultants, the department reported to the California Advisory Committee that an onsite review form was developed before the installation of first year grants. Comments.

29. Cal. Educ. Code § 5764 (West 1975).

30. Dr. Adele Martinez, director of the office of bilingual education, told the California Assembly Subcommittee of Bilingual Education on Dec. 3, 1975, that the district decides the criteria for determining if an AB 2284 project teacher is bilingual.

31. Joel Gomberg, staff interview, Dec. 12, 1975.

32. Cal. Educ. Code § 5761.1 (West 1975).

33. According to the State department of education, school districts were presented guidelines for installation of 2284 programs. The department did not, however, provide the State Advisory Committee with the date these guidelines were presented. Comments.

34. Information on OPER was obtained primarily from Commission staff interviews with Dr. Jose Martinez on July 12, 1974, May 21, 1975, and Oct. 3, 1975.

35. The managers of ECE and PRI field teams told the Advisory Committee that their reviews encompassed quality as well as compliance.

36. Analysis of the Budget, p. 637.

37. State of California, Office of the Legislative Analyst, Statement to the Ways and Means Subcommittee, California State Assembly, "Fiscal Implications of Lau v. Nichols" (Mimeograph, San Francisco, Dec. 10, 1974), p. 15.

38. Dr. Jose Martinez told Commission staff that OPER used the same evaluation instruments for 1974-75 with similar difficulties.

39. Dr. Jose Martinez, interview, Oct. 3, 1975.

40. In September 1975 Governor Edmund G. Brown, Jr., approved a $300,000 appropriation for the department for the development and implementation of a standardized bilingual school acheivement test in Spanish. A condition for funding requires the department to report its progress to the Governor and the legislature in January and June of 1976.

41. Analysis of the Budget, p. 637.

42. The Governor allocated $8,479,538 for 2284 programs for fiscal year 1975-76. Senate Bill 199, chapter 176, approved

by the Governor and filed with the Secretary of State, July 1, 1975.

43. Assemblyman Peter Chacon, testimony before the California Advisory Committee, June 26, 1975.

44. California State Department of Education, Dr. Wilson Riles, letter to Assemblyman John Foran, Chairman, Assembly Committee on Ways and Means, Dec. 6, 1974. For the 1974-75 survey the department again allowed districts to merely update the previous year's figures.

45. Dr. Jose Martinez, interview, May 21, 1975.

46. Ibid.

47. California State Department of Education, memorandum to staff from H. Miller on language dominance survey, June 6, 1975.

48. U.S., Department of Commerce, Bureau of the Census, 1970 Census of Population, General Characteristics, PC(1)-B6, Table 34, and General Social and Economic Characteristics, PC(1)-C6, Table 129.

49. The language dominance test, which was developed by the bilingual bicultural task force in 1973, is still used by districts as the recommended testing instrument of the department for obtaining census information.

50. California State Department of Education, Dr. Wilson Riles, Memorandum to County and District Superintendent of Schools on Language Dominance Index, Feb. 23, 1973.

51. Dr. William Webster told the Advisory Committee, "The survey consists of a form developed by the department and administered by the classroom teacher." However, not all classroom teachers are bilingual.

52. Barbara Sandman, staff interview, May 13, 1975.

53. Barbara Sandman and Claude Hansen, staff interviews, May 13, 1975.

54. Title 5, Cal. Admin. Code, §§ 3900-3944. These 1974 instructions for comprehensive program planning noted that "most categorical resources are intended for groups of students who, for various reasons, are less successful in school than the student population as a whole. The dominant but not exclusive criteria for receiving categorical resources is educational need."

55. Title 5, Cal. Admin. Code, § 3928.

56. Upon request for statistical information on the numbers of students served by consolidated application bilingual education programs and the amount of funds expended for these programs, Dr. Webster, deputy superintendent for programs, provided Commission staff with a copy of the legislative analyst's report published in January 1975. Unless otherwise noted, the information in this section is derived from that report.

57. Cal. Educ. Codes §§ 6499,230 et seq. (West 1975).

58. Chapter 1232, Statutes of 1975, California Legislature, 1973-74, Regular Session.

59. Cal. Educ. Code §§ 6499.232 (West 1975).

60. Such groups include Pilipino, Samoan, Hawaiian, Thai, and Vietnamese. See Asian American and Pacific Peoples: A Case of Mistaken Identity, A Report of the California Advisory Committee to the U.S. Commission on Civil Rights (February 1975).

61. Cal. Educ. Code §§ 6445, et seq. (West 1975).

62. Cal. Educ. Code §§ 5771, et seq. (West 1975).

63. 20 U.S.C. §§ 241, et seq. (1970).

64. Comments.

65. Although Dr. William Webster told the Advisory Committee that the department did not want to become preoccupied with determining district compliance for local bilingual projects, review instruments for PRI and ECE field teams include sections for compliance as well as quality.

66. Unless otherwise noted, unit information was obtained from staff interviews with unit manager Vernon Broussard, May 11, May 23, June 23, 1975, and PRI team leader Mae McCarthy. Staff also accompanied Ms. McCarthy on an onsite review May 26-28, 1975.

67. The department reported that the program review and improvement unit began planning for reviews of SB 90 and ESEA Title I schools. The departments did not add how many Title I schools were actually reviewed in school year 1974-75. Comments.

68. Dr. Vernon, testimony before the California Advisory Committee, June 26, 1975.

69. Information on the ECE management team was obtained from staff interviews with manager Claude Hansen, May 13, June 23, 1975, and ECE consultants, Barbara Sandman and Dr. Dorothy Blackmore, May 13, 1975.

70. Cal. Educ. Code §§ 6445.9, 6445.10, 6445.11 (West 1975).

71. Unless otherwise noted, information on the regional service teams was obtained from a Commission staff interview with Manuel Ceja, May 23, 1975.

72. Manuel Ceja, testimony before the California Advisory Committee, June 26, 1975.

IV. RECENT DEVELOPMENTS IN THE DEPARTMENT OF EDUCATION

In May 1974, several months after the Lau decision, the State board of education issued regulations that each school district receiving consolidated application funds must provide multicultural education and intergroup activities to meet the needs of its students.[1] The index for determining student needs was to be the department's annual racial and ethnic survey.[2] For school year 1974-75, however, the department did not provide districts with guidelines on the new regulations, nor did the department include regulations in its monitoring of consolidated application program compliance.[3]

On February 28, 1975, the department issued special instructions establishing consolidated application requirements for school year 1975-76.[4] This memorandum contained no comment on bilingual education policy or the board's May 1974 regulations.

On April 9, 1975, a second memorandum was forwarded to school districts. In the memorandum's introduction, Dr. Webster wrote: "Several new items have emerged which require further clarification."[5] Five policy statements of the department, "in compliance with the mandate of the Federal Court decision (Lau v. Nichols)," were delineated for bilingual programs included in the consolidated application. These statements included requirements on meeting the needs of all language-minority students, on mandatory bilingual

programs in schools with 15 percent or more students whose primary language is other than English, on suggested model programs, on recommended objectives, and on program recommendations. No mention was made of the board's 1974 regulations.

On May 8, 1975, the State board of education amended its consolidated application regulations to include AB 2284 programs within the consolidated application. The regulations, effective June 20, 1975, reinforce the department's April 9 instructions since they require each school district receiving consolidated application funds to "...provide for special assistance to each non-English and limited English speaking pupil in her/his primary language and English."[6]

Further, the board requires a census report which identifies, by primary language, the number of non- and limited-English-speaking students in each school receiving AB 2284 funds. This census differs from that compiled by OPER in that the data must be correlated with the number of children who are 1 or more years below their grade level in speaking, reading, or writing English. These districts are also required to compile a census of all school personnel, identifying the number of persons in each position who are fluent in a language other than English. The board did not indicate how these surveys were to be conducted or when these census reports were to be submitted to the State.

It is unclear which department units will have responsibility for enforcing these department policies and board regulations on bilingual programs, since the department was reorganized on July 1, 1975, and the department has not issued instructions delineating the responsibilities of each unit.[7] (See figure II.)

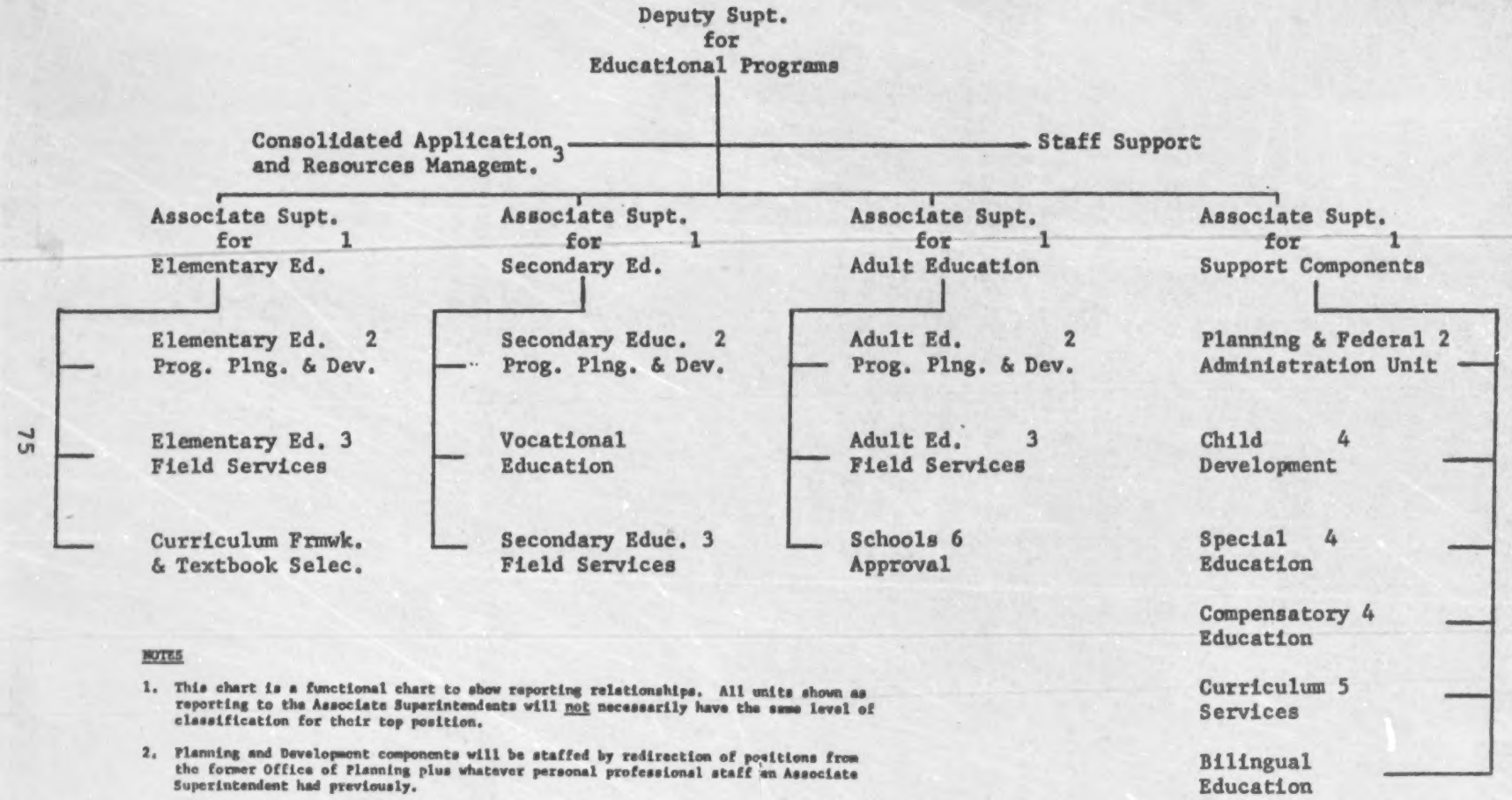
In comparing the department's matrix organization with the new organizational format, however, it appears that the

basic structure was retained. Although not called a matrix, the educational programs are still divided into the three age span levels (elementary, secondary, and adult), with the support components feeding into each level. The only units seemingly affected by the reorganization are those which were not included in the 1974 matrix: the field review units and the bilingual bicultural task force.

Prior to the reorganization, field review units were not limited to one age span level. Under the reorganization, each age span level will have a field services component. According to Claude Hansen, field staff will become "generalists" within an age span and will be retrained to do comprehensive reviews and provide technical assistance to all consolidated application programs, including bilingual programs.

The bilingual bicultural task force became the office of bilingual education after reorganization. This office is included in the new organization as a support component. Dr. Webster told the Advisory Committee that the department hoped the reorganization would resolve some of the problems the department had identified in administering bilingual programs.

FIGURE II


Deputy Supt.
for
Educational Programs
Consolidated Application and Resources Managemt. 3
Staff Support
Associate Supt. for Elementary Ed. 1
Associate Supt. for Secondary Ed. 1
Associate Supt. for Adult Education 1
Associate Supt. for Support Components 1
Elementary Ed. Prog. Plng. & Dev. 2
Elementary Ed. Field Services 3
Curriculum Frmwk. & Textbook Selec.
Secondary Educ. Prog. Plng. & Dev. 2
Vocational Education
Secondary Educ. Field Services 3
Adult Ed. Prog. Plng. & Dev. 2
Adult Ed. Field Services 3
Schools Approval 6
Planning & Federal Administration Unit 2
Child Development 4
Special Education 4
Compensatory Education 4
Curriculum Services 5
Bilingual Education

NOTES

1. This chart is a functional chart to show reporting relationships. All units shown as reporting to the Associate Superintendents will not necessarily have the same level of classification for their top position.

2. Planning and Development components will be staffed by redirection of positions from the former Office of Planning plus whatever personal professional staff an Associate Superintendent had previously.

3. Field Services and the Consolidated Application and Resources Management Unit will be staffed by a redirection of staff previously assigned to various field operations throughout the Department.

Source: State of California, Department of Education, "Proposed Reorganization of Departy of Education; Effective July 1, 1975" (Mimeograph).

Although the reorganization had not occurred during the Advisory Committee's open meeting, a review of the proposed changes suggested several problems. Before July 1975 the bilingual bicultural task force had responsibility for monitoring and providing technical assistance to AB 2284 programs. Under the reorganization, the field services components within each age span will have responsibility for monitoring bilingual programs funded by consolidated applications including AB 2284 programs. It is unclear what the role of the office of bilingual education will be in relation to these units.

There remains a possibility that the office of bilingual education will provide some support to the field services reviews.[8] If this happens, at least four separate units will review bilingual programs, and each will report to a different associate superintendent. Apparently, the reorganization does not resolve the problem of fragmented department monitoring of bilingual programs.

There appears to be no change in department policy regarding bilingual staff in the reorganization. Present policy allows department staff who are not bilingual to conduct field reviews of and provide technical assistance to bilingual programs. There is no requirement that all department consultants who review bilingual programs be bilingual or that they be qualified to review bilingual programs. Neither has the department made any attempt to identify bilingual personnel, their functions, and where they fit into the department's organizational structure. While 1975 board regulations are aimed at obtaining information on bilingual staff in school districts, there is no similar survey required of department staff.

Commission staff found only one source to potentially identify bilingual staff.[9] According to the department's affirmative action plan for equal employment opportunity, 1974-79, ethnic minorities are underrepresented within the

department's total work force.[10] The report states, "Spanish surnamed employees are the most seriously underrepresented ethnic group at all levels in the total work force." Asian Americans, although fully represented in technical, fiscal, clerical, and other nonprofessional classes, had low representation in professional education positions. Also, the report found that Native American, Pilipino, and other nonwhite persons were underrepresented at all levels in the total work force.[11]

NOTES TO CHAPTER IV

1. Title 5, Cal. Admin. Code §§ 3900-3944.

2. Title 5, Cal. Admin. Code § 3936.

3. Jim Nelson, manager, consolidated applications entitlements and reports unit, staff interview, May 15, 1975.

4. State of California, Department of Education, "Special Instructions for Consolidated Application Programs for Fiscal Year 1975-76," Feb. 28, 1975 (Mimeograph).

5. State of California, Department of Education, "Special Instructions #2 for Consolidated Application Programs for Fiscal Year 1975-76," Apr. 9, 1975 (Mimeograph).

6. Title 5, Cal. Admin. Code §§ 3900-3944.

7. This reorganization became effective following the State Advisory Committee's investigation.

8. It is not known to what extent the office of bilingual bicultural education (OBBE) will be a monitoring or a technical assistance unit. In a statement presented before the California Assembly Subcommittee on Bilingual Bicultural Education in Fresno, Calif., on Dec. 3, 1975, Dr. Adele Martinez, director of the office of bilingual bicultural education, said: "The primary program responsibility of the Office of Bilingual Bicultural Education is to provide technical assistance and support services to those districts funded by AB 2284. The Office of Bilingual Bicultural Education presently coordinates with the newly-formed Elementary and Secondary Field Service Units to participate in consultant services and monitoring visits to a school which also has an AB 2284 program. For those schools which

are not scheduled to be monitored by elementary or secondary staff, or which have only AB 2284 funding, the responsibility will be the Office of Bilingual Bicultural Education. Because of increased numbers of districts and only 4 consultants presently available, most of the district contacts are now limited to telephone contacts...schools with 15 percent or more students with the same primary language other than English are responsible for offering a bilingual alternative. The technical assistance and support services for those programs are the responsibility of the Elementary and Secondary Field Service Teams...the same applies in those instances where there is one or more student(s), but less than 15 percent who speak a language other than English."

Also speaking on the coordination of bilingual program evaluation on that same day, Dr. William Whiteneck, associate superintendent for support components, told the subcommittee: "Individuals within the Field Service Sections (team leaders) are in charge of teams of consultants which have monitoring responsibility for a designated region of the State. Information relative to any school district within that region is transmitted through the team and team leader regardless of program funding. Consultants from the Office of Bilingual Bicultural Education work with team leaders from Field Services to develop a master calendar of monitor and reviews (MARS) and provide an Office of Bilingual Bicultural Education consultant on MARS when an AB 2284 school is involved."

9. One indicator of department bilingual staff is the department's affirmative action statistics. Obviously, not all ethnic minorities are bilingual, but this source is the only data available for estimates of bilingual staff within the department.

10. California State Department of Education, "Affirmative Action Plan for Equal Employment Opportunity: Fiscal Years 1974-1979" (Sacramento, 1974).

11. Ibid., pp. 11-12.

V. IMPACT OF THE LEGISLATURE

In December 1974 the Ways and Means Committee of the California Assembly requested that California's Office of the Legislative Analyst report on the fiscal implications of the Lau decision as it relates to bilingual education in California. In preparing the testimony, legislative analyst staff conducted a review of department-administrated bilingual programs. This was the first such extensive review of the administration of bilingual programs conducted for the legislature.

During this review, legislative analyst staff found that the department had little or no information on bilingual education programs. For example, the department could not provide information on the numbers of bilingual programs funded by Title I, ESEA, or the extent of bilingual services provided language-minority students. Hal Geiogue, legislative analyst, told the Advisory Committee:

> Unless you can identify fully, all the sources of funds for bilingual education, and the numbers of students being served, you're in a position of unknowing and uncertainty when it comes to asking the legislature of California for more funds.[1]

Obtaining data which the department did possess was also difficult for legislative analyst staff. Mr. Geiogue said that the department's cooperation was minimal: "Unless

[we] specifically demand something, we rarely get things offered to us, and they have a lot of information internal to the department which they often do not share with us."

In addition to the testimony presented before the ways and means committee in December, the office of the legislative analyst published findings of the first review in January 1975. The report cited a lack of efficient management, coordination, and fiscal control for bilingual programs. Included with the findings were recommendations for improvement. Hal Geiogue told the Advisory Committee:

> Many [of the recommendations] at this point are being enacted...I think [the department was] aware that they had some deficiencies...and tried to make some amendments--reorganizing the department [and] implementing the fiscal reporting system.

Despite the success of the analyst report in effecting change within the department, Mr. Geiogue told Commission staff that he doubted whether the analyst's office would provide as extensive a review of bilingual programs in following years. He explained that the legislative analyst's small staff has annual review responsibilities for all State departments, so that another thorough review of bilingual education was prohibitive.

The office of the legislative analyst is the only legislative office that has provided a thorough review of the department's administration of bilingual programs. Without a followup review next year, the success of the 1975 department changes made as a result of that office's findings will remain unevaluated. At a time when future funding of and support for bilingual programs is dependent on department administration of these programs, it is unfortunate that future reviews are unlikely.

Assemblyman Chacon told the Advisory Committee:

> [The poor administration of the bilingual-bicultural programs] has not only inhibited legislative attempts to expand the programs, but to improve them, as well. This climate exists despite the fact that the members of this legislature are better acquainted than most people with the need for bilingual bicultural education. One can only wonder with some apprehension what effects this will have on the Governor who has little familiarity with bilingual bicultural education.

Hal Geioque described his perception of the Governor's position on bilingual-bicultural education:

> I believe he's concerned about this [2284] program. His staff, through the Department of Finance, represented his position at the [ways and means committee] hearings. It is my understanding, that he initially was thinking about adding money to this program, but when he found out it was in such a mess he went with holding the line on the program.

Finally, community concern that the department is not adequately administering the State's bilingual programs reflects a further need for ongoing review of department efforts. As Ling-Chi Wang, lecturer in Asian studies, University of California at Berkeley, and active in San Francisco's Chinese American community, told the State Advisory Committee:

...the Superintendent of Public Instruction treats bilingual education as one of the special programs, not normally incorporated into the regular program structure. Once again, we see Asian American, Mexican American, Native American languages and cultures treated as something alien, inferior or to be stamped out. This hostile attitude toward bilingual education is clearly reflected in the administration of the Bilingual Education Act of 1972 and related laws designed to provide equal educational opportunity for students of limited English speaking ability.

NOTES TO CHAPTER V

1. Unless otherwise noted, all direct quotations are derived from the transcripts of the California Advisory Committee to the U.S. Commission on Civil Rights open meeting in Sacramento, June 26 and 27, 1975.

VI. FINDINGS AND CONCLUSIONS

In this report the California Advisory Committee has identified specific policies and practices of the California State Department of Education which may affect the success of district-level education programs for language-minority students. Specifically, the Advisory Committee reviewed the State department of education's administration of State- and federally-funded bilingual programs.

The basic finding of this report is that the State department of education has failed to ensure that California's non- and limited-English-speaking student population receives equal educational opportunities.

The State department of education is mandated by law with administering much of the State- and federally-funded bilingual programs. Its responsibilities range from collecting data on the numbers of non- and limited-English-speaking students in the State to monitoring bilingual programs at the local level. The Advisory Committee found that the department did little to oversee the data collection and evaluation of non- and limited-English-speaking students or of bilingual programs established to assist these students. The department provided districts with inadequate testing instruments for census collection and inadequate evaluation instruments for bilingual programs. Uniform definitions for bilingual education were unavailable. The department had no formal procedures for verifying the accuracy of district data.

As a result, what little information exists on the numbers of language-minority students and the quality of bilingual programs is unreliable. Finally, and most significantly, when the department became aware of local district noncompliance with State or Federal laws or regulations, it made little effort to enforce compliance.

The Advisory Committee also found that the department provided its staff with limited training on bilingual education, and that it failed to coordinate adequately the department units with responsibilities for bilingual education.

These findings reflect a failure by the State department of education to provide strong leadership for ensuring equal educational services for language-minority children. In the absence of strong department leadership, equal educational opportunities for these students in California's public schools will remain an illusory goal.

After reviewing this report, the State department of education wrote the California Advisory Committee that it has made efforts to improve the delivery of services to non- and limited-English-speaking students since the Advisory Committee's open meeting in June 1975. The department cited the July 1, 1975, reorganization as one of its efforts. The department noted that the reorganization included means for coordinating technical assistance and compliance reviews of local bilingual projects. In commenting on this report, the department made no mention, however, of bilingual education training for department staff, census and bilingual project evaulation instruments, or strengthened enforcement efforts.

Based on past performance, it is doubtful that changes cited by the department will be successful. The California Advisory Committee will maintain a "wait and see" attitude as to department promises for more effective administration of bilingual programs.

VII. RECOMMENDATIONS

SURVEY OF CALIFORNIA'S NON- AND LIMITED-ENGLISH-SPEAKING STUDENTS

Under California law, the State department of education is required to compile an annual report on the numbers of non- and limited-English-speaking students attending California's public schools. The Advisory Committee found that the department used inadequate methods for collecting this data, which in turn resulted in inaccuracies and contradictory data. The Advisory Committee recommends:

> 1. That an annual census of limited- and non-English-speaking students be undertaken by local districts each year as required by law.

For the past 2 years, the department has allowed districts merely to update the census information collected in the 1972-73 survey. It appears meaningless, however, to build upon information whose accuracy has been brought into question.

> 2. That the department develop a testing instrument which can more accurately identify the English language fluency of language-minority children.

The present department-recommended testing instrument for obtaining census information was developed by the department in 1973. This language-dominance testing instrument is too narrow to determine adequately the listening, comprehension, and speaking ability of a child in either English or another language. It contains questions which a child of limited English language ability might understand, but it does not evaluate the child's comprehension of more complex concepts in English.

> 3. That the department require districts to use the department's language-dominance instrument for collecting census information on California's limited-and non-English-speaking student population.

At present, districts may use any instrument of their choice. This practice does not allow for uniformity in statewide census results.

> 4. That the State department of education establish procedures to compare district-conducted survey results on limited- and non-English-speaking students with other department data on language-minority students.

In addition to the annual non- and limited-English-speaking census, the department collects other data from districts. These data include the department's reading assessment survey data, which in 1974-75 identified 486,268 public school students as coming from homes where the dominant language was other than English. To date, the department has made no effort to compare such data with the census statistics as a possible means of checking accuracy.

5. That the department survey pupils in randomly selected school districts to serve as a check on the accuracy of census results, and that the department completely survey any school district where the census results have been identified by department analysis to be inaccurate.

Department staff are not required to check the accuracy of district-submitted data. If a question of accuracy is raised by department staff, staff may telephone district personnel and request them to review the data, but this, too, is not a requirement.

6. That the department require that persons selected to administer the language-dominance tests be bilingual in the languages being tested, and that these persons be trained to administer the tests properly.

The department has not required that persons administering the language-dominance test be able to speak the language being tested nor does the department require staff training prior to the administration of these tests. Presently, school districts utilize local staff, generally the classroom teacher, to administer the exam. The person administering a test is not always fluent in the language being tested, yet this individual is responsible for the final determination of the child's performance in both languages.

SERVICES FOR CALIFORNIA'S LANGUAGE-MINORITY STUDENTS

7. That the State legislature require the State department of education to collect annual information from local

districts on the specific programs available to assist limited- and non-English-speaking students, the cost of such programs, and the numbers of limited- and non-English-speaking students served by each program.

There is a serious lack of information on the educational services provided California's limited- and non-English-speaking students. In 1975 the department collected this data at the request of the legislature, but indicated that this information would not be collected on a regular basis. Without annual information, it will be difficult to determine whether language-minority children are being adequately serviced at the district level.

8. That the department issue a definition of bilingual education, and that other definitions included in a bilingual program evaluation also be defined by the department.

The department has not attempted to establish definitions for bilingual programs. Lacking definitions and standards, it is impossible to evaluate program effectiveness.

DEPARTMENT COORDINATION

9. That the State department of education delineate the specific functions of the various department units in relation to their responsibilities and bilingual programs.

No one source of information exists within the department which delineates the responsibilities of each unit and its interrelationship with other units. As a

result, many department staff are unaware of the responsibilities of other department units for bilingual programs in relation to their own units.

> 10. That one unit within the department be established to coordinate all department administration of bilingual programs.

The department cited the lack of centralization of bilingual program administration as one reason for the July 1, 1975, reorganization. Under the reorganization, however, there will be at least four units responsible for reviewing bilingual projects and providing technical assistance to school districts. As of December 1975, the department had not indicated how these units would coordinate their efforts or whether any one unit would oversee all bilingual program activities.

> 11. That data on bilingual programs collected by the various units during the course of their respective activities be made available to other department and district staffs with bilingual program responsibilities.

The department has made minimal effort to share bilingual project data among the various units. A significant consequence of this lack of data dissemination is that unit staff are unaware of action taken by other units.

> 12. That a regular and formal channel of communication be established between the units with bilingual responsibilities.

During school year 1974-75, two units (PRI and ECE) attempted to meet on a regular basis to discuss onsite reviews. Department staff in these units found that such cooperation was essential in coordinating onsite reviews. This kind of communication has not existed for all units with bilingual education responsibilities.

DEPARTMENT PERSONNEL

> 13. That department staff with responsibilities for the administration of bilingual programs be required to receive annual training on bilingual education.

No department guidelines requiring even minimal training exist for staff involved with monitoring bilingual education programs.

BILINGUAL PROJECT ONSITE REVIEWS

> 14. That department staff responsible for evaluating bilingual program classroom instruction which includes interviewing limited- and non-English-speaking students and their parents be bilingual in the language of the program being reviewed.

Procedures by the department units reviewing bilingual program quality and compliance include discussions with non- and limited-English-speaking pupils and their parents as to their opinions on program success. Yet no procedures require that department staff be fluent in the language of the non-English-speaking students and their parents.

> 15. That a review instrument be developed by the department to assess

both quality and compliance of a local bilingual project funded through consolidated application funds, and that the department require that the form be used by all department units with onsite review responsibilities for bilingual projects.

Several instruments have been used by department staff for conducting onsite bilingual reviews. Not all of these instruments review both compliance and quality. Again, there is a lack of consistency in data collection within the department.

16. That department findings of onsite reviews be published annually.

Several department units which conduct onsite reviews found that publication of onsite review findings greatly contributed to the improvement of district programs. Without requiring an annual compilation and publication of bilingual program reviews, much of the information remains unused and unknown within the units.

17. That the department develop review instruments for bilingual projects that can identify each language-minority group at a local school and determine whether local bilingual programs meet the needs of each group.

The present review instruments are incapable of identifying a situation where there are bilingual programs for one group of language-minority students but none for another language group in the same school.

18. That the department review instrument also contain a section to

evaluate the bilingual skills of the bilingual project teachers.

The department does not require any evaluation of a teacher's bilingual instructional skills.

ENFORCEMENT

19. That the department vigorously enforce laws, regulations, and policies affecting bilingual education programs.

The department has not ensured that districts receiving State and Federal bilingual funds are providing bilingual programs which meet legal requirements. When the department becomes aware of district noncompliance, it takes little action to enforce compliance.

LEGISLATURE

20. That the California Assembly Committee on Ways and Means require the office of the legislative analyst to conduct an annual review of the department's administration of bilingual programs during the next 3 years. At that point, the legislature should make a determination as to whether reviews should be continued.

Lack of community confidence in the State department of education's administration of California bilingual programs necessitates ongoing reviews of department efforts.

APPENDICES

APPENDIX A

Non-English- and Limited-English-Speaking Students in California by Grade Level and Dominant Language--March 1975

Dominant language	Number of non-English and limited-English speaking students, by grade level													
	Kinder-garten	One	Two	Three	Four	Five	Six	Seven	Eight	Nine	Ten	Eleven	Twelve	Total
NON-ENGLISH SPEAKING														
Cantonese	286	91	77	76	71	81	54	78	78	50	63	34	17	1,056
French	9	9	16	14	3	8	3	9	5	8	12	6	5	107
German	18	19	23	8	11	6	5	4	4	7	1	2	1	109
Italian	27	10	12	13	12	11	8	56	15	11	11	5	2	193
Japanese	113	70	46	47	45	33	24	34	34	36	20	14	13	529
Portuguese	87	79	55	50	52	47	48	52	41	50	32	23	21	637
Russian	4	5	1	3	2	6	3	10	13	5	8	12	3	75
Spanish	10,864	7,161	4,635	4,153	3,764	3,165	2,973	3,552	3,166	3,290	2,795	1,344	726	51,588
Tagalog	131	96	69	38	35	41	37	67	34	57	67	37	17	726
Other	533	205	199	177	284	240	246	345	401	312	381	172	56	3,551
Subtotal	12,072	7,745	5,133	4,579	4,279	3,638	3,401	4,207	3,791	3,826	3,390	1,649	861	58,571
LIMITED-ENGLISH SPEAKING														
Cantonese	702	823	667	565	488	507	532	502	451	369	568	385	204	6,843
French	48	62	55	139	176	63	56	68	57	72	76	76	75	1,023
German	79	92	99	87	82	79	102	107	104	104	140	109	113	1,297
Italian	83	72	60	79	55	69	65	52	66	98	116	102	74	991
Japanese	361	269	275	199	250	191	150	125	152	164	173	169	138	2,616
Portuguese	253	252	246	242	211	211	194	198	168	202	166	164	132	2,639
Russian	8	13	21	15	10	11	10	7	5	18	15	13	16	162
Spanish	16,938	17,247	15,084	13,270	11,935	11,126	10,412	9,547	9,123	8,856	8,281	6,271	4,481	142,571
Tagalog	738	727	564	601	431	404	416	229	239	284	340	287	186	5,446
Other	1,266	1,172	924	877	764	758	683	934	980	958	833	706	506	11,361
Subtotal	20,556	20,729	17,995	16,074	14,402	13,419	12,620	11,769	11,345	11,125	10,708	8,282	5,925	174,949
Grand total	32,628	28,474	23,128	20,653	18,681	17,057	16,021	15,976	15,136	14,951	14,098	9,931	6,786	233,520

Source: Limited-English Speaking and Non-English Speaking Students in California, A Report Prepared for the California Legislature as Required by Education Code Section 5761.3 and the "Supplementary Report of the Committee on Conference Relating to the Budget Bill," California State Department of Education, Sacramento 1975.

APPENDIX B

Bilingual, Limited-English-Speaking, and Non-English-Speaking Students Served in Bilingual Programs in California Schools--April 1975 as Reported by Those Responding to Department Survey

Funding source for bilingual programs	Number of students served in bilingual programs, by grade level														
	Pre-school	Kinder-garten	One	Two	Three	Four	Five	Six	Seven	Eight	Nine	Ten	Eleven	Twelve	Total
BILINGUAL STUDENTS															
Chapter 1258/1972 AB 2284 (State program)	65	827	784	730	588	359	267	193	235	219	196	176	197	118	4,954
ESEA, Title VII	56	936	875	869	826	1,009	781	703	226	224	243	93	58	92	6,991
Emergency School Aid Act															
Part A	10	50	252	288	271	316	235	279	419	311	27	45	15	7	2,525
Part B	0	12	13	23	26	58	50	82	121	29	27	31	16	16	504
Part C	4	6	4	8	5	1	0	1	0	0	0	0	0	0	29
Bilingual components of any individual or combined categorical programs--local, Title I, SB 90, ECE, etc.	451	3,647	3,573	3,356	3,245	3,131	3,031	2,707	1,205	1,175	907	782	662	732	28,604
Total for bilingual students	586	5,478	5,501	5,274	4,961	4,874	4,364	3,965	2,206	1,958	1,400	1,127	948	965	43,607
LIMITED-ENGLISH SPEAKING STUDENTS															
Chapter 1258/1972 AB 2284 (State program)	9	903	554	434	340	238	128	106	237	212	139	110	62	58	3,530
ESEA, Title VII	88	938	956	816	689	531	485	434	236	186	374	229	188	126	6,276
Emergency School Aid Act															
Part A	10	114	162	148	93	101	146	98	76	66	68	60	41	20	1,203
Part B	0	10	30	24	35	32	40	49	193	77	10	12	5	1	518
Part C	0	44	38	12	2	0	0	0	0	0	2	3	2	0	103
Bilingual components of any individual or combined categorical programs--local, Title I, SB 90, ECE, etc.	653	4,437	4,883	3,445	3,162	2,485	2,250	1,835	1,340	1,632	1,595	846	612	596	29,771
Total for limited-English speaking students	760	6,446	6,623	4,879	4,321	3,387	3,049	2,522	2,082	2,173	2,188	1,260	910	801	41,401
NON-ENGLISH SPEAKING STUDENTS															
Chapter 1258/1972 AB 2284 (State program)	4	908	396	255	228	140	92	48	174	149	187	81	61	48	2,771
ESEA, Title VII	67	919	696	547	483	441	386	251	420	415	225	95	74	64	5,083
Emergency School Aid Act															
Part A	20	78	74	86	65	55	94	79	313	321	42	52	30	13	1,322
Part B	0	37	34	16	2	1	1	16	27	6	19	4	2	0	165
Part C	0	3	0	2	2	2	0	1	0	0	0	0	0	0	10

Appendix B -- continued

Bilingual components of any individual or combined categorical programs--local, Title I, SB 90, ECE, etc.	477	2,426	2,316	1,375	1,286	1,024	863	758	561	493	741	411	260	236	13,227
Total for non-English speaking students	568	4,371	3,516	2,281	2,066	1,663	1,436	1,153	1,495	1,384	1,214	643	427	361	22,578
Total for all students	1,914	16,295	15,640	12,434	11,348	9,924	8,849	7,640	5,783	5,515	4,802	3,030	2,285	2,126	107,586

Source: Limited-English-Speaking and Non-English-Speaking Students in California, A Report Prepared for the California Legislature as Required by Education Code Section 5761.3 and the "Supplementary Report of the Committee on Conference Relating to the Budget Bill," California State Department of Education, Sacramento 1975.

APPENDIX C

Limited-English and Non-English Speaking Students Served by State and Federal Programs in California--April 1975 as Reported by Those Responding to Department Survey

Funding Source	Number of students served by special funding sources, by grade level														Total funds
	Pre-school	Kinder-garten	One	Two	Three	Four	Five	Six	Seven	Eight	Nine	Ten	Eleven	Twelve	Total	
STATE FUNDING																
Bilingual Education Act of 1972, Chapter 1258/1972 (AB 2284) "Only"	11	2,517	1,055	998	756	578	423	320	587	550	459	166	164	117	8,701	$1,797,634
Bilingual Pilot Programs Chapter 1521/1971 (AB 116) "Only"	0	2	73	203	48	4	2	4	63	78	31	0	0	0	508	145,038
Miller-Unruh, Chapter 841/1972 AB 612 "Only"	4	328	1,223	1,087	1,04	0	0	0	0	0	0	0	0	0	3,690	807,594
Educationally Disadvantaged Youth Chapter 1406/1972 (SB 90) "Only"	11	1,110	1,035	938	933	918	974	1,066	717	468	390	68	34	8	8,670	2,187,487
Early Childhood Education Chapter 1147/1972 (SB 1302) "Only"	179	2,968	2,795	2,250	2,127	0	0	0	0	0	0	0	0	0	10,319	2,223,617
Total state	205	6,925	6,181	5,476	4,912	1,500	1,399	1,390	1,367	1,096	880	234	198	125	31,888	$7,161,370
FEDERAL FUNDING																
ESEA, Title VII	135	1,680	1,608	1,368	1,211	1,219	1,179	978	699	650	581	417	282	141	12,148	$6,188,561
Elementary and Secondary Educ. Act (ESEA), Title I "Only"	109	1,787	1,702	1,317	1,351	1,406	1,340	1,023	442	663	890	385	267	190	12,872	4,166,196
ESEA, Title I (Migrant)	147	1,078	1,213	499	513	518	519	489	655	554	382	268	186	129	7,150	884,193
Emergency School Aid Act (ESAA) "Only"	30	341	445	468	388	385	422	441	946	509	173	166	88	40	4,842	3,065,293
Total federal	421	4,886	4,968	3,652	3,463	3,528	3,460	2,931	2,742	2,376	2,026	1,236	823	500	37,012	$14,304,243
COMBINED FUNDING																
English as a Second Language, Title I, ESEA/EDY (SB 90), ECE, etc.	137	4,855	5,010	4,293	4,644	5,203	3,383	3,263	2,805	2,730	3,005	2,432	755	407	42,922	$15,115,388
Bilingual Education: Combination of any of the above programs	626	3,800	3,747	3,037	2,538	1,839	1,772	1,295	614	608	475	404	282	215	21,252	8,364,000
Total unduplicated student count	1,389	20,466	19,906	16,458	15,557	12,070	10,014	8,879	7,528	6,810	6,386	4,306	2,058	1,247	133,074	$4,945,001

Source: Limited-English Speaking and Non-English Speaking Students in California, A Report Prepared for the California Legislature as Required by Education Code Section 5761.3 and the "Supplementary Report of the Committee on Conference Relating to the Budget Bill," California State Department of Education, Sacramento 1975.